**TEXAS BOARD OF ARCHITECTURAL EXAMINERS**

Board Meeting Agenda
The William P. Hobby Jr. Bldg., Tower III, Room 102
333 Guadalupe Street
Austin, Texas
Tuesday, May 22, 2018
9:00 a.m. – Conclusion

**1. Preliminary Matters**

- **A.** Call to order — Debra Dockery
- **B.** Roll call — Jennifer Walker
- **C.** Excused and unexcused absences — Debra Dockery
- **D.** Determination of a quorum
- **E.** Recognition of guests
- **F.** Chair's opening remarks
- **G.** Public Comments

**2. Approval of February 1, 2018 Board Meeting Minutes** *(Action)* — Debra Dockery

**3. Executive Director Report** *(Information)* — Julie Hildebrand

- **A.** Summary of Executive Accomplishments *(Information)*
- **B.** Operating Budget/Scholarship Fund: Presentation on 2nd Quarter Fiscal Year 2018 Expenditures/Revenues
- **C.** Customer Service Survey Results
- **D.** Survey of Employee Engagement Results
- **E.** **Report on Conferences and Meetings** (*Information)*
  - I. CLARB MBE Committee Meeting | *Feb 12*
  - II. NCARB 2018 Regional Summit - & MBE Workshop | *Mar 8-10*
  - III. Educators Conference and R3 Training | *Apr 6-7*
  - IV. 2018 Texas ASLA Conference | *Apr 18*
- **F.** **Report on Upcoming Conferences and Meetings** *(Information)*
  - I. NCARB 2018 Annual Business Meeting | *Jun 28-30*
  - II. METROCON18 | *Aug 8-10*

**4. Executive Director Annual Performance Evaluation Discussion** *(Information)* — Debra Dockery

**5. General Counsel Report** *(Action)* — Lance Brenton

**Proposed Rule for Adoption**

Consider Adoption of Proposed Rule Amendments Regarding Revised Terminology for NCARB's Experience Program, Including: 22 Tex. Admin Code §§ 1.5, Relating to Terms Defined Herein; 1.21, Relating to Registration by Examination; 1.22, Relating to Registration by Reciprocal Transfer; 1.41, Relating to Examination Requirements; and 1.123, Relating to Titles.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS**
Board Meeting Agenda
The William P. Hobby Jr. Bldg., Tower III, Room 102
333 Guadalupe Street
Austin, Texas
Tuesday, May 22, 2018
9:00 a.m. – Conclusion

**6. Enforcement Cases** *(Action)*
**Review and possibly adopt ED's recommendation in the following enforcement cases:**

**A. SOAH Registrant Case:**
Reesby, Jerry L.
(SOAH Docket No. 459-18-2234 and TBAE Case No. 409-17L)

**B. Non-Registrant Cases**:
Arredondo, Gustavo (#227-17N)
Hamilton, John A. (#157-14N)
Leslie Nepveux (#278-18N)

**C. Registrant Case**:
Wilson, James T. (#142-18A)

**D. Continuing Education Cases**:
Alexander, Edmond P. (#413-17A)
Blevins, Kenneth R. (#188-18A)
Bunch, Michael A. (#283-18I)
Coston, Kent E. (#039-18A)
DeLeon, Melissa E. (#132-18I)
Forsythe, Robert E. (#128-18L)
Gournay, Christian S. (#286-18A)
Herbage, Robert L. (#273-18A)
Messer, Rodger W. (#285-18A)
Rodriguez, Joseph J. (#127-18I)
Sennet, Robert (#282-18A)
Sprott, Gari L. (#274-18I)
Wallace, Meredith A. (#123-18I)
Ward, Vickey L. (#190-18I)

***The Board may meet in closed session pursuant to TEX. GOV'T CODE ANN. §551.071(1) to confer with legal counsel***

**7. Approval of the Fiscal Year 2019-2023 Strategic Plan** *(Action)* — Debra Dockery

**8. Discuss the Proposed FY19 Operating Budget** *(Information)* — Julie Hildebrand

**9. Resolutions to be Acted Upon at the 2018 NCARB Annual Business Meeting** *(Action)* — Debra Dockery

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS**

Board Meeting Agenda

The William P. Hobby Jr. Bldg., Tower III, Room 102

333 Guadalupe Street

Austin, Texas

Tuesday, May 22, 2018

9:00 a.m. – Conclusion

**10. Upcoming Board Meetings** *(Information)* — Debra Dockery

Tuesday, August 21, 2018

Thursday, November 15, 2018

**11. Chair's Closing Remarks** — Debra Dockery

**12. Adjournment** — Debra Dockery

---

**NOTE**:

- *Items may not necessarily be considered in the order they appear on the agenda.*
- *Executive session for advice of counsel may be called regarding any agenda item under the Open Meetings Act, Government Code §551.*
- *Action may be taken on any agenda item.*

***NOTICE OF ASSISTANCE AT PUBLIC MEETINGS***

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services are required to call (512) 305-8548 at least five (5) work days prior to the meeting so that appropriate arrangements can be made.

## FREQUENTLY USED ACRONYMS

| | |
|---|---|
| **ACSA** | Association of Collegiate Schools of Architecture |
| **ADA** | Americans with Disabilities Act |
| **AIA** | American Institute of Architects |
| **AREFAF** | Architect Registration Examination Financial Assistance Fund (Scholarship) |
| **ASID** | American Society of Interior Designers |
| **ASLA** | American Society of Landscape Architects |
| **ARE** | Architect Registration Examination |
| **AXP** | Architectural Experience Program |
| **BOAT** | Building Officials Association of Texas |
| **CACB** | Canadian Architectural Certification Board |
| **CIDA** | Council for Interior Design Accreditation (Formerly FIDER) |
| **CLARB** | Council of Landscape Architectural Registration Boards |
| **GAA** | General Appropriations Act |
| **GRF** | General Revenue Fund |
| **IDCEC** | Interior Design Continuing Education Council |
| **IDEC** | Interior Design Educators Council |
| **IDP** | Intern Development Program |
| **IIDA** | International Interior Design Association |
| **LARE** | Landscape Architect Registration Examination |
| **MBA** | Member Board Administrator (within NCARB) |
| **NAAB** | National Architectural Accreditation Board |
| **NCARB** | National Council of Architectural Registration Boards |
| **CIDQ** | Council for Interior Design Examination |
| **OAG** | Office of the Attorney General |
| **SOAH** | State Office of Administrative Hearings |
| **SORM** | State Office of Risk Management |
| **TAID** | Texas Association for Interior Design |
| **TAS** | Texas Accessibility Standards |
| **TASB** | Texas Association of School Boards |
| **TBPE** | Texas Board of Professional Engineers |
| **TxA** | Texas Society of Architects |
| **TSPE** | Texas Society of Professional Engineers |

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS**
**Minutes of February 1, 2018 Board Meeting**
William P. Hobby Jr. Building, 333 Guadalupe Street
Tower III, Conference Room 102
Austin, TX 78701
9:00 a.m. until completion of business

| AGENDA ITEMS | DESCRIPTIONS |
|---|---|
| **1A. Call to Order** | Mr. Davis called the meeting to order at 9:16 a.m. and noted that due to the Chair's absence, he would be acting as Chair for this meeting. |
| **1B. Roll Call** | Ms. Walker called the roll. |

Present Board Members

| | |
|---|---|
| Michael (Chad) Davis) | Vice-Chair, Landscape Architect Member |
| Chase Bearden | Public Member |
| Sonya Odell | Registered Interior Designer Member |
| Jennifer Walker | Secretary-Treasurer, Architect Member |
| Robert (Bob) Wetmore | Architect Member |

**1C. Excused and Unexcused absences**

| | |
|---|---|
| Debra Dockery | Chair, Architect Member |
| Charles (Chuck) Anastos | Architect Member |
| Paula Ann Miller | Public Member |

A MOTION WAS MADE AND SECONDED (Wetmore/Bearden) TO APPROVE THE EXCUSED ABSENCES OF DEBRA DOCKERY, CHARLES (CHUCK) ANASTOS AND PAULA ANN MILLER. THE MOTION PASSSED UNANIMOUSLY.

**1D. Determination of a Quorum**

A quorum was present.

**1E. Recognition of Guests**

Mr. Davis acknowledged the following guests and members of TBAE staff: Julie Hildebrand, Executive Director; Lance Brenton, General Counsel; Glenn Garry, Communications Manager; Glenda Best, Operations Manager; Christine Brister, Human Resources; Kenneth Liles, Finance Manager; Jack Stamps, Managing Investigator; Mike Alvarado, Registration Manager; Katherine Crain, Legal Assistant; Julio Martinez, Information Systems Administrator; David Lancaster, Texas Society of Architects; Donna Vining, Texas Association for Interior Design; and Jeri Morey, Architect from Corpus Christi, Texas.

**1F. Chair's Opening Remarks**

Mr. Davis provided the Chair's opening remarks. He began by remarking upon the loss of Ms. Dockery's husband, Paul Kniestedt, on December 30th. Mr. Davis stated that he attended the service in San Antonio, along with Ms. Hildebrand and Mr. Stamps. He noted that the services were held in Hanger 9, a historic Air Force hanger that was restored in a project that

Debra and Paul worked on together. Mr. Davis stated that it was a beautiful sunny day, and with the wind blowing through the open hanger doors, it occurred to him that the outstanding work that had been done to the hanger was another example of how the built environment can enrich our lives. He said that Paul was quite a guy and that he and Debra had an amazing and exemplary relationship. He stated that Ms. Dockery has always had his greatest admiration and respect, that he is honored to know her and that we all send our thoughts and wishes for peace and healing in this time.

**1G. Public Comments**

Jeri Morey provided commentary on the appropriate processes to use in investigating complaints for violations of building code fire safety. Ms. Morey stated that she disagrees that an architect from the same or similar community as the Respondent can provide expert opinion on such matters unless the architect has extensive training in fire science or fire protection engineering. She is requesting that the Board change its practices in referring cases for expert opinion.

Mr. Davis requested that Ms. Morey put her concerns in writing and direct them to the General Counsel.

**2. Approval of Board Meeting Minutes**

A MOTION WAS MADE AND SECONDED (Bearden/Odell) TO APPROVE THE NOVEMBER 8, 2017 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

**3. Executive Director's Report**

Ms. Hildebrand provided the Board with the Executive Director's report as follows.

**3A. Summary of Executive Accomplishments**

Ms. Hildebrand presented and discussed the summary of executive accomplishments as described on page 11 of the Board materials. Ms. Hildebrand noted that this has been the year of audits for the agency. In addition to the State Auditor's audit, the agency had submitted to audits by the Texas Workforce Commission and the Texas Department of Public Safety.

The audit performed by the State Auditor's office reviewed financial information, performance measures, enforcement cases and administrative penalties, and IT security. The report was published in January 2018 and is located in the Board's materials.

Ms. Hildebrand discussed the audit performed by the Texas Workforce Commission, which focused on the agency's policies for personnel and procedures. The auditors recommended that the agency adopt a minor addition to HR policies relating to reviewing hiring actions for EEO compliance, which has been done. This audit is performed every five (5) years.

Ms. Hildebrand discussed the audit performed by the Texas Department of Public Safety, which looked at the agency's handling of criminal justice information. One improvement that we have made to our procedures is that once a registrant is removed from our licensure roles, he or she is removed from the list of individuals for whom we receive criminal record updates. DPS gave us kudos for taking this action. Following the audit, DPS requested that all Staff receive training regarding access to criminal justice information. Staff is currently in the process of completing the training.

Ms. Hildebrand updated the Board on the transfer to the CAPPS software program that manages HR and payroll. Next year, the CAPPS transition will focus on finance.

Ms. Hildebrand presented and discussed the registration and enforcement accomplishments as described on pages 12 and 13 of the Board materials.

Ms. Hildebrand noted that the total number of active registrants continues to grow each month and that the number of total registrations issued had increased over the last year. Ms. Hildebrand suggested that the switch from the ARE 4.0 to ARE 5.0 has caused an increase in registration numbers due to individuals taking the exam before the 4.0 exam is eliminated.

Ms. Hildebrand noted continued growth on the enforcement side due to an increase in complaints from TDLR over the previous year. There was a three-fold increase in enforcement cases last year. She stated that Staff is currently able to handle the growth in enforcement cases; however, she continues to monitor the workload.

**3B. Operating Budget/Scholarship Fund: Presentation on 1st Quarter Fiscal Year 2018 Expenditures/Revenues**

Ms. Hildebrand presented and discussed the 1st quarter budget numbers on page 14 of the Board materials. She stated that license fees, business registration fees, the late fee payments and overall revenue are above what they were last year. At this point, it appears that if the agency has to draw from the reserve fund, it will be less than previously anticipated. As far as expenditures, the professional fees and services will be higher because the agency incurred unexpected costs due to the State Auditor and TWC audits. As of November 30th, those fees had not been charged yet, so that line item will increase. Ms. Hildebrand projected that Board travel should be much lower this year because we are operating with fewer appointees and the short travel distance for many board members.

Ms. Hildebrand presented and discussed the scholarship fund balance as described on page 15 of the Board materials. She noted that the fund balance is staying steady due to the scholarship fee that was adopted last year.

**3C. Strategic Plan Timeline**

Ms. Hildebrand presented and discussed the strategic plan timeline as described on page 16 of the Board materials. A strategic plan is required to be completed every two years. Last cycle, we prepared the plan according to the guidelines that had been prepared by the previous governor. This year, we will be following Governor Abbott's guidelines, which provide for a shorter, more concise report.

Ms. Hildebrand discussed the various topics to be covered on the report, which staff will be working on over the next few months, including the customer service survey, the employee engagement survey, and the budget. One item that the agency has already begun is the customer service survey, which is required by law. The survey has been distributed and will run through February. Thus far, the agency has received 413 responses and has a 95% customer satisfaction rating. Ms. Hildebrand expects that the Board will be approving the strategic plan at the May Board meeting, and budget in August.

**3D. Update on the State Auditor's Office (SAO) Audit**

Ms. Hildebrand presented and discussed the State Auditor's report as described on page 17 of the Board materials. Ms. Hildebrand stated that the agency had done very well and she was happy with the outcome. Overall the auditors found that the Board was operating effectively, with some recommendations for improvement.

On page 23, the first recommendation was that the Board should implement a process to review its monthly reconciliations including documentation of that review. This was part of the financial review process and the issue was that the Finance Department was reconciling the statements correctly, but the documentation of that review was not sufficient and up to the auditors' standards. To remedy that issue, agency policies have been amended to require the appropriate documentation. This was rated as a low risk issue by the auditors.

The next issue is contained on page 23 of the Board materials, which recommended that the agency should improve controls over its SDSI performance measure reporting. This was identified as a medium risk rating. Ms. Hildebrand noted that one of the requirements under the SDSI law is to provide performance measures to the legislature. The auditors recommended that the Board should include all required financial and performance data in its SDSI report; extract data used to support its performance measures in a timely manner and include all information required to be reported in its calculations; retain an extract of the underlying data/records that support the results of system-generated report that it uses to report performance measures; and include all complaints closed for the reporting period when calculating results for its complaint-related performance measures. Ms. Hildebrand discussed the improvements that the agency would be implementing, as discussed on page 26.

Ms. Hildebrand presented and discussed auditor's item 2-A as described on page 27 of the Board materials. This item related to the auditor's review of the processes for setting fees, establishing its budgets and assessing administrative penalties. The auditors were pleased with the Board rules relating to administrative penalty assessment. The auditors recommended that the Board should develop detailed procedures for monitoring its fund balance as required by its policy. Specifically, the auditors wanted more documentation of the Board's processes in determining the appropriate fund balance.

Next, as discussed on page 29 of the Board materials, the auditors reviewed whether the administrative penalties were consistently assessed and collected as required. The auditors found that the Board did so, but recommended that the Board should consistently document its internal review of administrative penalty assessments as required by its policies and procedures.

The last item, which is discussed on page 30 of the Board materials, concerns adequate information technology system controls in place to ensure the reliability of financial and performance data. The auditors found that the agency's controls were adequate to ensure that the information in TBAsE was complete, accurate, and reliable for the purposes of the audit. However, they recommended that the Board should improve certain controls over change management.

In closing, Ms. Hildebrand reiterated that she was very pleased with the agency's results in the audit, and was also thankful for the improvements that were identified by the auditor's office.

Mr. Davis was happy to see how some of the work that has been completed since Ms. Hildebrand's arrival at the agency contributed to positive results in the audit, especially the administrative penalty schedule. He was also pleased with the agency's successes regarding information systems controls.

**3E.**
**Report on Conferences and Meetings**

I. TxA Conference – Nov 9-11
II. 2017 CIDQ Council of Delegates Meeting – Nov 10-11
III. NCARB Experience Committee Meeting #2 – Dec. 1-2

Ms. Hildebrand stated that the TxA Conference was in Austin and although she could not attend it due to a previous conflict, it was well attended. She stated that Jack Stamps, along with Rob Roy Parnell from Texas State University and Norman Kieke of TDLR gave a presentation by way of a concert entitled "Rock Out to TAS." They took cover tunes and reworded the songs with accessibility issues and performed to a crowd of over 300

people. Some of the audience commented that it was the best presentation they had ever attended at a TxA Conference.

Ms. Hildebrand stated that she attended the 2017 CIDQ Council of Delegates Meeting on November 10-11. She said that a focus of this meeting was regulatory issues rather than practice issues as in the past, and that this was a very helpful perspective.

Finally, Ms. Hildebrand said that she attended the NCARB Experience Committee Meeting. Through her work on the committee, she has learned more about the intern-mentor relationship and health, safety, and welfare requirements and how they relate to examination and education requirements. She has enjoyed serving on the committee and would like to continue.

**3F. Report on Upcoming Conferences and Meetings**

I. CLARB MBE Committee Meeting – Feb. 12
II. NCARB 2018 Regional Summit & MBE Workshop – Mar 8-10
III. Educators Conference and R3 Training – Apr 6-7
IV. 2018 Texas ASLA Conference – April 18

Ms. Hildebrand gave an overview of the upcoming meetings. She said that Chuck Anastos and Chase Bearden will be attending the NCARB 2018 Regional Summit & MBE Workshop. She plans on taking Mike Alvarado and Lance Brenton with her to the Region 3 Educators Conference scheduled in Florida on April 6 & 7. A key topic at this conference will be IPAL programs, in which students begin taking the ARE prior to graduation. Additionally, Jack Stamps and Glenn Garry will be making a presentation at the 2018 Texas ASLA Conference and she and Mike Alvarado plan on attending that conference too.

**3G. Personal Financial Statement Filing Deadline**

Ms. Hildebrand provided a reminder to the Board members that the deadline for filing Personal Financial Statements is April 30, 2018.

**4. General Counsel Report Draft Rules for Proposal**

Mr. Brenton presented and discussed the draft rules for proposal as described on page 39 of the Board materials. Mr. Brenton provided staff's recommendation that the Board approve the draft rules for proposal and publication.

A MOTION WAS MADE AND SECONDED (Bearden/Walker) TO APPROVE THE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §§ 1.5, 1.21, 1.22, 1.41 AND 1.123 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

**5. Enforcement Cases**

The Board considered the following enforcement actions:

**A. Registrant/Non-Registrant Cases**

**Cade, Nicholas K. (#053-18A)**
Mr. Brenton provided a summary of this matter as described on page 51 of the Board materials.

A MOTION WAS MADE AND SECONDED (Bearden/Odell) TO ACCEPT STAFF'S RECOMMENDATION OF A $2,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

**Martinez, Marcello (#030-17A)**
Mr. Brenton provided a summary of this matter as described on page 52 of the Board materials.

A MOTION WAS MADE AND SECONDED (Wetmore/Bearden) TO ACCEPT STAFF'S RECOMMENDATION OF AN $8,000 ADMINISTRATIVE PENALTY AND MANDATORY ATTENDANCE AT THE TDLR ACCESSIBILITY ACADEMY. THE MOTION PASSED UNANIMOUSLY.

**B. Continuing Education Cases**

Mr. Brenton requested that the continuing education case involving April Rains (#417-17I) be heard separately from the others. Mr. Brenton presented a summary of this matter as described on page 69 of the Board materials. Mr. Brenton also provided the Board members with a copy of a letter that by request of Ms. Rains. In the letter, Ms. Rains requested that the Board accept her activities spent preparing for AAHID certification in lieu of continuing education coursework. Mr. Brenton presented staff's position that, though this is a significant certification, it does not satisfy the Board's rules requiring 12 hours of continuing education, including at least 8 hours of structured coursework.

A MOTION WAS MADE AND SECONDED (Odell/Walker) TO ACCEPT STAFF'S RECOMMENDATION OF A $500 ADMINISTRATIVE PENALTY IN CASE NUMBER 417-17I INVOLVING APRIL RAINS.

Ms. Odell noted that this is a tough certification that requires significant effort but agreed that self-study does not satisfy continuing education requirements.

Mr. Wetmore asked whether staff had information on previous years' compliance. Mr. Brenton responded that he was aware only of the audit period.

THE MOTION PASSED UNANIMOUSLY.

Jennifer Walker recused herself from voting on the case involving James Carrillo in TBAE Case No. 030-18L.

Mr. Brenton provided a summary of Case #030-18L involving James E. Carrillo as described on page 55 of the Board materials. Mr. Brenton stated that this case involves a registrant that falsely provided information when he renewed his landscape architectural registration and the Executive Director has recommended an administrative penalty of $700.

A MOTION WAS MADE AND SECONDED (Bearden/Wetmore) TO ACCEPT STAFF'S RECOMMENDATION OF A $700 ADMINISTRATIVE PENALTY IN CASE NUMBER 030-18L INVOLVING JAMES CARRILLO. THE MOTION PASSED UNANIMOUSLY (Ms. Walker recused herself from consideration and abstained from voting).

Mr. Davis stated that the Board would hear the remainder of the continuing education cases as follows:

**Aichler, Kurt C. (#004-18A)**
**Dahlin, Roger C. (#028-18A)**
**Dobson, David L. (#027-18A)**
**Dupuy, John T. (#042-18L)**
**Flemons, Jerry B. (#260-17A)**
**Foster, David D. (#026-18A)**
**Gelsheimer, Katherine H. (#040-18I)**
**Goodspeed, Robert A. (#375-17A)**
**Holland, Thomas A. (#029-18A)**
**Konradi, Wendy W. (#025-18I)**
**Menefee, Michael E. (#041-18A)**
**Mulligan, Shae S. (#124-18A)**
**O'Connell, Daniel P. (122-18A)**
**Steinbrecher, Cynthia E. (#415-17I)**
**Sutherland, Chaval R. (#296-17I)**
**Venable, Brenda (#414-17I)**

A MOTION WAS MADE AND SECONDED (Odell/Walker) TO ADOPT STAFF'S RECOMMENDATION FOR ADMINISTRATIVE PENALTIES IN 16 CASES LISTED ABOVE. THE MOTION PASSED UNANIMOUSLY.

**6. Upcoming Board Meetings**

May 22, 2018
August 21, 2018
November 15, 2018

**7. Chair's Closing Remarks**

Mr. Davis thanked the Executive Director and Staff on the work that had been done in preparation for the meeting.

**8. Adjournment**

A MOTION WAS MADE AND SECONDED (Bearden/Wetmore) TO ADJOURN THE MEETING AT 10:42 A.M. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE BOARD:

_____

MICHAEL (CHAD) DAVIS FOR DEBRA J. DOCKERY, FAIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS

# Summary of Executive Accomplishments
# May 22, 2018

## Executive

1. The Strategic Plan has been completed and will be presented for Board approval prior to submittal on June 8.

2. The initial budget has been drafted and will be presented for Board review at the May Board meeting and Board approval at the August Board Meeting.

3. Amendments to the Reserve Fund Policy have been drafted as recommended by the State Auditor Office and will be presented for Board approval.

4. On April 20, the State Office of Risk Management completed our risk management program review and made no recommendations.

5. Staff is continuing to invest large amounts of time to the CAPPS transition for HR and payroll, including attending meetings and preparing for User Acceptance Training in May through June and Go Live in July.

6. Our second investigator, Steve Ramirez, attended the Texas Accessibility Academy presented by the Architectural Barriers division of the Texas Department of Licensing and Regulation.

## NCARB

1. NCARB has approved the first third-party test prep materials for ARE 5.0

2. The retirement for ARE 4.0 is June 30, 2018. NCARB has been working to communicate relevant information to exam candidates.

# Summary of Enforcement Accomplishments FY18

| | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June | July | Aug |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Cases Received and Opened | 22 | 20 | 72 | 9 | 23 | 94 | 10 | | | | | |
| | | | | | | | | | | | | |
| Cases Closed by Investigations – Total | 4 | 3 | 35 | 16 | 26 | 92 | 8 | | | | | |
| Cases Closed by Investigations – TDLR | 4 | 2 | 34 | 16 | 24 | 92 | 8 | | | | | |
| [1]Cases Closed by Investigations – Other | 0 | 1 | 1 | 0 | 2 | 0 | 0 | | | | | |
| Cases Referred to Legal | 16 | 6 | 9 | 20 | 14 | 13 | 23 | | | | | |
| | | | | | | | | | | | | |
| Average Number of Days to Investigate | 46 | 52 | 57 | 43 | 75 | 69 | 75 | | | | | |
| | | | | | | | | | | | | |
| Notices of Violation by Legal | 7 | 5 | 13 | 9 | 5 | 6 | 4 | | | | | |
| | | | | | | | | | | | | |
| Voluntary Surrenders by Legal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | |
| | | | | | | | | | | | | |
| Disciplinary Action Entered by the Board | 0 | 0 | 8 | 0 | 0 | 20 | 0 | | | | | |
| | | | | | | | | | | | | |
| Warnings from Executive Director | 21 | 0 | 15 | 3 | 12 | 12 | 3 | | | | | |
| | | | | | | | | | | | | |
| Complaints Filed at SOAH | 0 | 0 | 0 | 0 | 0 | 1 | 0 | | | | | |
| | | | | | | | | | | | | |
| Informal Settlement Conferences Held | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | |

[1] Non-jurisdictional – non-registrant failed to deliver usable plans on an exempt project.
Lack of evidence to support allegations.
Evidence received from a plans examiner indicated two non-registrants performed architectural services on one project. Sworn affidavits and a third party Admission cleared the two of the violations and a case was filed against the confessed perpetrator.

# Summary of Registration Department Accomplishments FY18

| | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June | July | Aug |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Examination Applications Received | 41 | 50 | 44 | 39 | 83 | 71 | 55 | | | | | |
| Reciprocal Applications Received | 61 | 45 | 40 | 24 | 44 | 54 | 58 | | | | | |
| Total Applications Received | 102 | 95 | 84 | 63 | 127 | 125 | 113 | | | | | |
| | | | | | | | | | | | | |
| Exam Scores Received/Entered | 421 | 325 | 399 | 434 | 296 | 464 | 326 | | | | | |
| | | | | | | | | | | | | |
| Examination Registrations Issued | 40 | 56 | 33 | 50 | 63 | 90 | 72 | | | | | |
| Reciprocal Registrations Issued | 45 | 56 | 44 | 30 | 42 | 34 | 55 | | | | | |
| Total Registrations Issued | 85 | 112 | 77 | 80 | 105 | 124 | 127 | | | | | |
| | | | | | | | | | | | | |
| Active Architects | 12,481 | 12,527 | 12,560 | 12,589 | 12,630 | 12,708 | 12,780 | | | | | |
| Active Reg. Interior Designers | 3,595 | 3,591 | 3,590 | 3,598 | 3,598 | 3,609 | 3,619 | | | | | |
| Active Landscape Architects | 1,565 | 1,578 | 1,584 | 1,586 | 1,593 | 1,607 | 1,613 | | | | | |
| Total Active Registrants | 17,641 | 17,696 | 17,734 | 17,773 | 17,821 | 17,924 | 18,012 | | | | | |
| | | | | | | | | | | | | |
| CE Audits Conducted | 133 | 139 | 136 | 126 | 125 | 120 | 119 | | | | | |
| CE Audits Referred for Investigation | 3 | 13 | 4 | 3 | 7 | 4 | 4 | | | | | |
| | | | | | | | | | | | | |
| Approved Scholarship Applications | 6 | 0 | 5 | 2 | 9 | 2 | 5 | | | | | |
| | | | | | | | | | | | | |
| Certificates of Standing | 7 | 8 | 15 | 18 | 24 | 24 | 14 | | | | | |

# Texas Board of Architectural Examiners
## Actual 2018 Budget

| | FY 2018 Approved Budget | FY 2018 Expenditures as of 2-28-18 | FY 2018 Percentage Earned/Spent |
|---|---|---|---|
| **Revenues:** | | | |
| Licenses & Fees | $ 2,650,000 | $ 1,367,548 | 51.61% |
| Business Registration Fees | $ 100,000 | $ 50,063 | 50.06% |
| Late Fee Payments | $ 125,000 | $ 73,155 | 58.52% |
| Other | $ 3,000 | $ 3,698 | 123.27% |
| Interest | $ 2,500 | $ 14,510 | 580.39% |
| ***Potential Draw on Fund Balance*** | **$ 140,830** | | 0.00% |
| **Total Revenues** | **3,021,330** | **$ 1,508,974** | **49.94%** |
| **Expenditures:** | | | |
| Salaries and Wages | $ 1,572,215 | $ 775,737 | 49.34% |
| Payroll Related Costs | $ 548,115 | $ 261,438 | 47.70% |
| Professional Fees & Services | $ 75,000 | $ 67,525 | 90.03% |
| Travel | | | |
| Board Travel | $ 25,000 | $ 2,105 | 8.42% |
| Staff Travel | $ 20,000 | $ 5,873 | 29.37% |
| Office Supplies | $ 8,000 | $ 2,275 | 28.44% |
| Postage | $ 11,000 | $ 2,654 | 24.13% |
| Communication and Utilities | $ 14,000 | $ 5,751 | 41.08% |
| Repairs and Maintenance | $ 1,000 | $ 135 | 13.50% |
| SWCAP Payment with Office Rental | $ 115,000 | $ 57,500 | 50.00% |
| Equipment Leases--Copiers | $ 9,000 | $ 4,118 | 45.75% |
| Printing | $ 8,000 | $ 391 | 4.89% |
| Operating Expenditures | $ 30,000 | $ 18,557 | 61.86% |
| Registration Fees--Employee Training | $ 9,000 | $ 3,084 | 34.27% |
| Membership Dues | $ 21,000 | $ 12,780 | 60.86% |
| Payment to GR | $ 510,000 | $ 255,000 | 50.00% |
| **IT Upgrades** | $ 45,000 | $ 15,490 | 34.42% |
| **Total Expenditures** | **3,021,330** | **$ 1,490,413** | **49.33%** |
| **Excess/ (Deficiency) of Rev over Exp.** | **-** | **18,560** | **1%** |

| | |
|---|---|
| ***Funding for 8 months*** | **2,014,019** |
| ***Excess Fund Balance*** | **557,275.50** |
| **Total Fund Balance** | **2,571,294** |

| | |
|---|---|
| **Administrative Penalties Collected** | **$ 48,400.00** |
| **General Revenue Collected** | **$ -** |

# Texas Board of Architectural Examiners
# Fiscal Year 2018 Budget
# Scholarship Fund

| | FY 2018 Budget | FY 2018 Actual Sept. 1, 2017-- February 28, 2018 |
|---|---|---|
| **Operating Fund Beginning Fund Balance:** | - | - |
| **Adjusted Beginning Balance** | - | - |
| **Scholarship Fund Beginning Balance** | 60,244.70 | |
| **Total Beginning Scholarship Fund Balance** | 60,244.70 | 60,244.70 |
| **Revenues:** | | |
| Scholarship Fees | - | 12,686.51 |
| **Total Revenues** | - | 12,686.51 |
| **Expenditures:** | | |
| Operating Expenditures-Scholarship Payments | | 18,071.73 |
| **Total Expenditures** | | 18,071.73 |
| **Excess/(Deficiency) of Rev. over Exp.** | 60,244.70 | 54,859.48 |
| **Fund Balance** | 60,244.70 | 54,859.48 |

**Number of Scholarships Awarded** 36

**Frequency per Fiscal Year----September 30, January 31, and May 31**

# Report on Customer Service

May 2018

TEXAS Board of Architectural Examiners

Architects • Landscape Architects • Registered Interior Designers

# Table of Contents

Inventory of Customers ..... 3

Information-Gathering and Survey Instrument ..... 3

Analysis of the Findings ..... 3

Customer Service Standards and Customer Satisfaction Measures ..... 5

Customer Responses to Multiple-Selection Questions ..... 5

# Report on Customer Service

We are pleased to present the following report on customer service to the Governor's Office of Budget and Planning; the Legislative Budget Board; Members of the Texas Board of Architectural Examiners (TBAE); our registrants and candidates for registration; and anyone who lives, works, and plays in the built environment of Texas.

**Inventory of Customers**

Our customers are identified as registered architects, registered interior designers, and registered landscape architects; students and examination candidates of these professions; building officials, plans examiners, and other regulatory officials; clients of design professionals and the general public; as well as non-registered persons working in related professions. Our customer list includes more than 22,000 email addresses. Our registrant base is 19,830 as of the end of Fiscal Year 2017, but changes hour by hour with online account management. This registrant count includes Active, Inactive, and Emeritus statuses and is intended only as a moment-in-time snapshot, not as a performance measure.

**Information-Gathering and Survey Instrument**

The survey instrument was offered electronically on the Web and promoted via the agency's database of email addresses. The request for survey participation was emailed to each email address in our database, and the agency sent a follow-up reminder for those who had not yet responded. The survey was in the field from January to March, 2018.

The survey was hosted on a third-party survey Web site. Data were collected electronically. Responses to open-ended questions were reviewed on an individual basis and include suggestions for areas of improvement and change for the agency. Those responses contributed significantly to this report, and will inform agency staff greatly throughout the strategic planning process. The questions in the survey are based on statutory requirements and patterned after questions from previous TBAE surveys.

**Analysis of the Findings**

TBAE staff created eight separate areas of focus for the 2018 survey. Those eight areas are:

1. **Communicating with the agency:** this section provides insight into how registrants and other stakeholders interact with the agency on a personal level.
2. **The TBAE Web site (www.TBAE.state.tx.us):** respondents tell staff what online information they use, and how they use it.
3. **Online account services:** registrants and future registrants tell the agency how they feel about their secure online account usage.
4. **Complaint handling:** respondents tell us how they feel about the way the agency addresses complaints about agency operations.
5. **Printed and electronic media:** useful information about what respondents prefer to read, and how much they read.

6. **General impressions:** valuable overall impressions about how well the agency is performing, and what can be improved.
7. **Agency office and facilities:** impressions of how TBAE office visitors view agency facilities.
8. **Demographics:** data regarding what types of individuals participated in the survey.

**1. Communicating with the agency.**
Survey responses indicate continued satisfaction among respondents in communicating with TBAE staff. Dissatisfaction remains very low, topping out at only 3.5 percent on one question and coming in as low as 1.6 percent on another. In 2008, 16 percent of respondents reported having heard a presentation by staff. In this year's survey, the number was 23 percent.

**2. The TBAE Web site (www.TBAE.state.tx.us).**
Satisfaction remains high in each of the five specific questions about the agency's Web site. Again in 2018, Continuing Education information remains the most-sought topic among users of the TBAE Web site.

**3. Online account services.**
(By way of clarification, this section deals with a customer's experience with our Web site after logging into the "secure" site, as opposed to the public portions of the site intended for general information and use.)

Launched in 2005, TBAE's online account management continues to be a great success for users. After logging into his or her account, a user can pay fees, update contact information, keep track of continuing education credits, and more. 97.4 percent of respondents report having used online account services or intend to use them.

**4. Complaint handling.**
As in previous surveys going back to 2006, the majority of those surveyed chose "N/A" when asked about satisfaction in terms of the agency's handling of complaints about the agency itself (that is, not complaints about other registrants or professionals). The satisfaction rate remains much higher than that of dissatisfaction, but the high number of "N/A" responses might be, in itself, instructive; one possibility is simply that very few respondents have been interested in complaining about the agency.

**5. Printed and electronic media.**
Interest in the agency's traditional and online communications remains high, particularly with regard to the agency newsletter, *Licensing News*, and Web site news stories.

As before, newsletter readership remains high, with 85 percent reporting that they read at least half of each issue (two years ago, this number was 76 percent). Disciplinary Actions was the most popular section of each newsletter, followed by stories about legislative events.

**6. General impressions.**
Asked about overall satisfaction with TBAE and the service received, survey respondents indicate a 96 percent satisfaction rate. This is a new high, up from the 94 percent recorded in 2016.

**7. Agency office and facilities.**
Responses to this set of questions, promulgated by the Governor's office, tilt very heavily towards "N/A," which accounts for more than 90 percent of answers to each individual question. This indicates that very

few stakeholders have had occasion to visit the agency's Austin facilities, which is understandable since the vast majority of services provided are online, via phone, or via postal service.

**8. Demographics.**
As one might expect, the distribution of survey respondents maps roughly along with that of the agency's registrants, with others from the survey list (candidates for registration, building officials, etc.) completing the picture.

**Customer Service Standards and Customer Satisfaction Measures**

(Note: these measures are for the purpose of this survey only and not the same as those reported in SDSI reports.)

1. Percentage of surveyed customer respondents expressing overall satisfaction with services received (N/A responses not included): **95.9%**
2. Percentage of surveyed customer respondents identifying ways to improve service delivery: **23.1%***
3. Number of customers solicited for survey: **22,406**
4. Number of customers surveyed (responsive): **1,133**
5. Cost per customer surveyed: **$0.18/response**
6. Number of customer groups: **12**

*Note: As in previous reports, the number reported here reflects simply the number of responses to Question 21, which solicits suggestions for improvement. Many of those responses are words of encouragement or "N/A," rather than areas of concern.

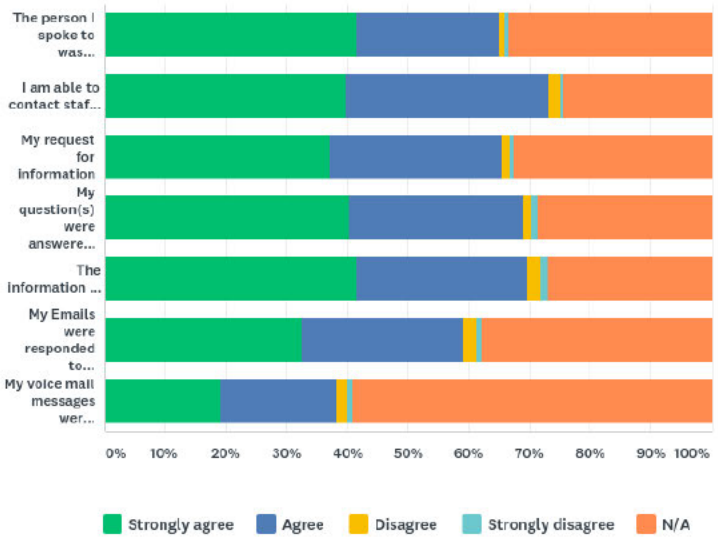
**Customer Responses to Multiple-Selection Questions**
(Commentary is provided for some items, when context might prove helpful. This section begins on the next page.)

▶ Question 1

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- The person I spoke to was courteous and professional
- I am able to contact staff when I have a question
- My request for information was routed to the right person
- My question(s) were answered in a timely fashion
- The information I received was clear and accurate
- My Emails were responded to promptly
- My voice mail messages were responded to promptly

Q1 When communicating with TBAE please describe your experiences:



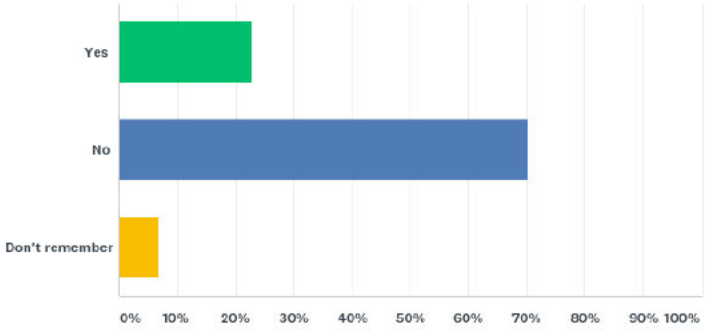

▶ Question 2: How can we improve our communication with you and other stakeholders?

There were 345 free-text responses to this question. Some common responses were:

- No change/acceptable as-is
- Development of a mobile app/mobile-friendly Web site
- Various issues related to continuing education
- Increased notifications for registration renewal
- Social media presence
- More (and less) communication

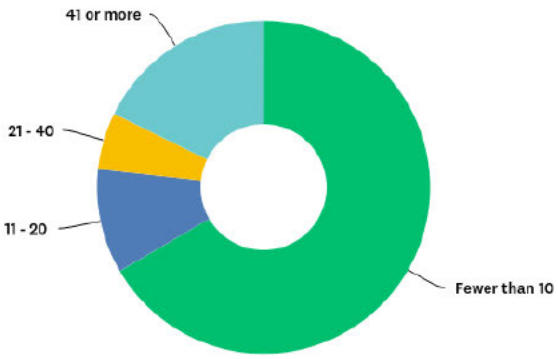
▶ Question 3

Q3 Have you ever attended a live presentation by a TBAE staff member?




▶ Question 4

Q4 How many design professionals work for your firm?

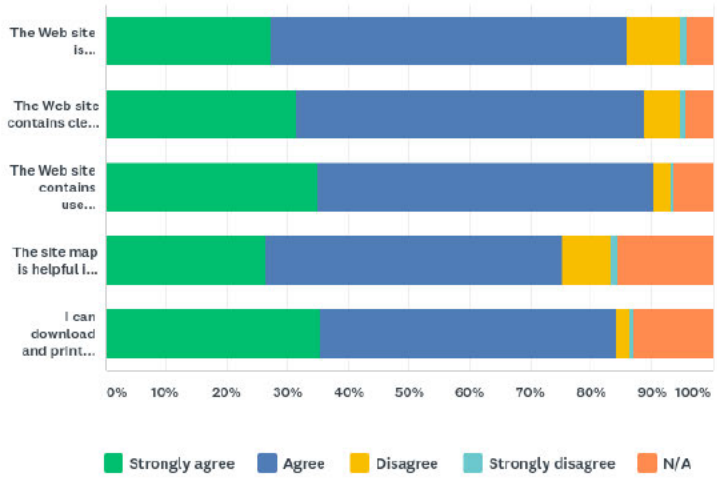



▶ Question 5

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- The Web site is well-organized and easy to navigate
- The Web site contains clear, accurate information
- The Web site contains useful contact information
- The site map is helpful in finding information
- I can download and print forms, rules, and other selected material

Q5 Please rate the TBAE Web site, www.TBAE.state.tx.us



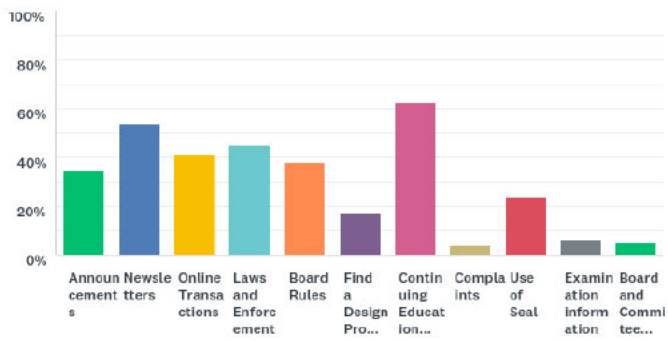

▶ Question 6: In what ways do you use the TBAE Web site?

There were 567 free-text responses to this question. The most common answers were:

- Renewing a license
- Searching for continuing education information and forms
- Finding updates on regulations (e.g. flowchart, use of seal brochure)
- Checking the registration status of design professionals
- Staff contact information
- Read newsletter

▶ Question 7

Q7 What information from the Web site do you use the most? (Check all that apply)

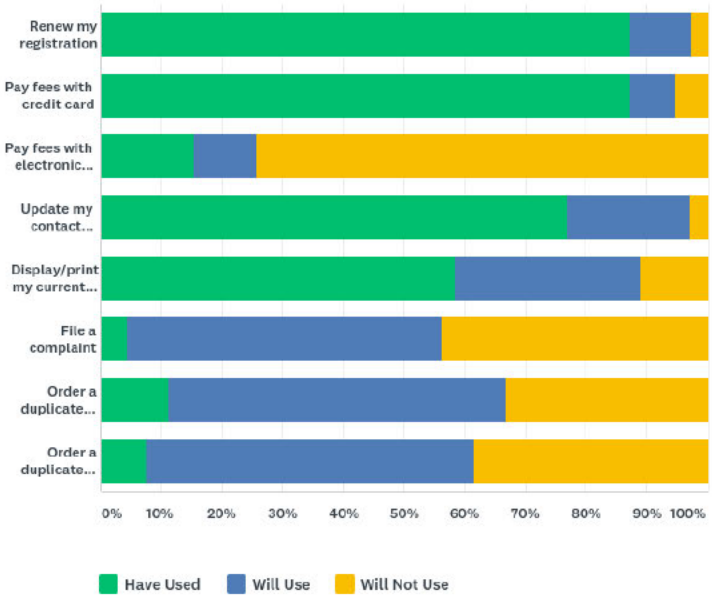


▶ Question 8

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- Renew my registration
- Pay fees with credit card
- Pay fees with electronic check
- Update my contact information
- Display/print my current certificate
- File a complaint
- Order a duplicate certificate
- Order a duplicate pocket card

Q8 Have you used or do you plan to use the following online services?

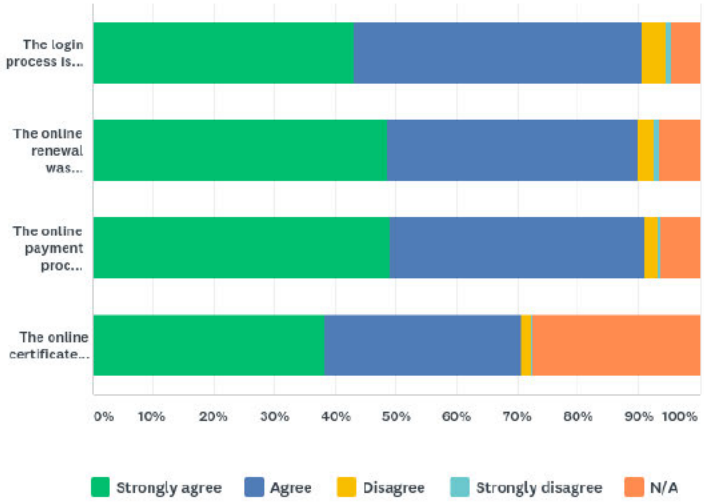


▶ Question 9

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- The login process is simple
- The online renewal was easy to complete
- The online payment process was easy to use
- The online certificate printed successfully

Q9 Please rate your experience with TBAE's online services (check N/A if you have not used the service[s]):



▶ Question 10: What would you change about the online payment system?

There were 282 free-text responses to this question. Generally, the answers fell into the following categories:

- No suggestion for changes/system works fine as is.
- Enable alternate payment methods (PayPal, ApplePay, etc.)
- General reservations about online transactions
- Desire for more immediate receipt/confirmation of online payment
- More information regarding security of online payment information
- Removal of credit card processing fee

▶ Question 11: If you do not plan to use online account services, what factors contribute to your decision?

There were 163 free-text responses to this question. Generally, the answers fell into the following categories:

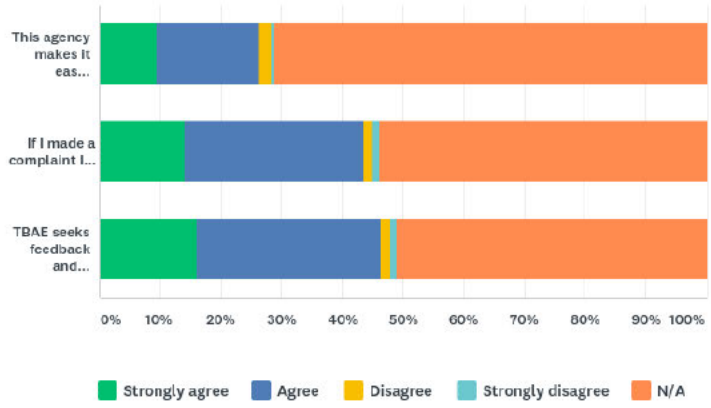
- Not applicable
- Concerns about identity theft and/or online payment in general
- The respondent's firm pays for his or her renewal via check/general preference for checks
- Trouble logging in/remembering password
- Credit card fees

▶ Question 12

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- This agency makes it easy to give complaints or provide feedback
- If I made a complaint I believe it would be handled in a reasonable manner
- TBAE seeks feedback and is responsive

Q12 Please rank your experience with TBAE's complaint handling process for complaints about how the agency staff conducts its business (not about professionals). If you have no opinion, answer N/A.



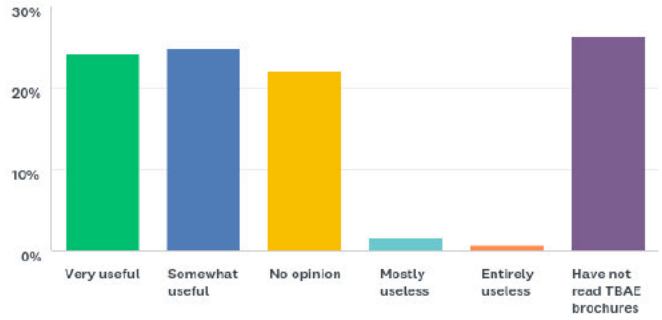

▶ Question 13: What suggestions do you have for improving the complaint process?

There were 169 free-text responses to this question. Generally, the answers fell into the following categories:

- N/A (because the respondent has never filed a complaint)
- Update Complainant periodically during investigation/general update and resolution requests
- Provide greater anonymity/general anonymity commentary
- General suggestions to be more (and less) aggressive in investigations
- Clarify process of filing a complaint
- Increase staff resources for investigations

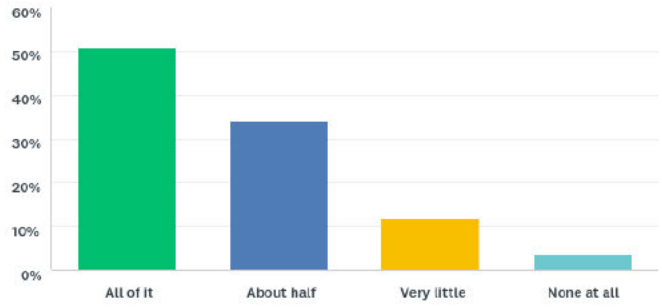
▶ Question 14

Q14 Please provide your opinion of TBAE brochures.



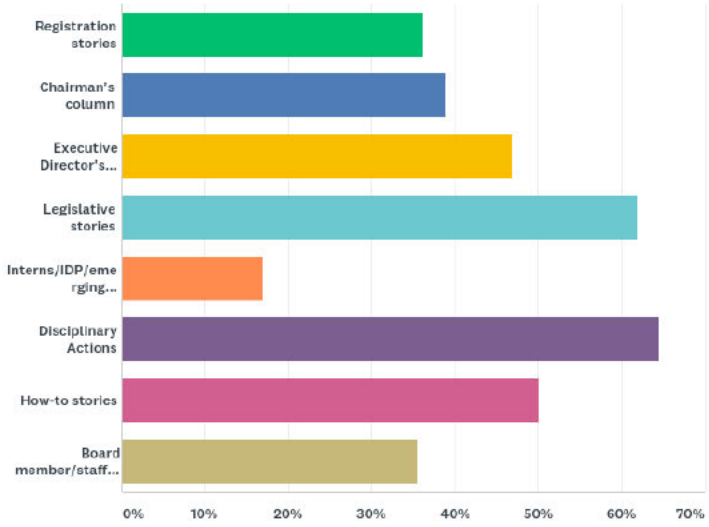

▶ Question 15

Q15 How much of each TBAE newsletter (Licensing News) do you read?



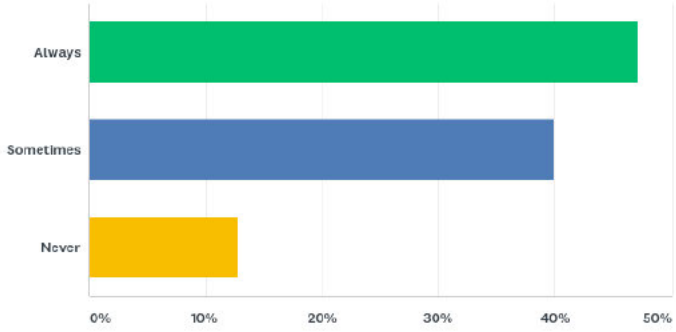
▶ Question 16

Q16 What type of newsletter article topic are you most likely to read in depth? (Check all that apply)




▶ Question 17

Q17 Do you read list-serve messages sent to you by TBAE via email?



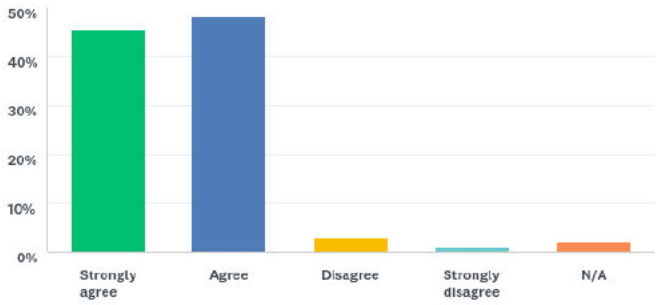

▶ Question 18: How can we improve our printed and online communications?

There were 154 free-text responses to this question. Frequently mentioned or noteworthy ideas included:

- No suggestion for improvement
- Eliminate publication of Disciplinary Actions
- Eliminate printed publications
- Design suggestions (more graphics, different formatting, larger typeface, etc.)
- Redesign site for mobile/create a TBAE app/make more relevant to younger audience

▶ Question 19

Q19 Overall, I am satisfied with the service I have received from this agency:




▶ Question 20: What is TBAE doing well?

There were 353 free-text responses to this question. Generally, the answers fell into the following categories:

- Reduction in fees (legislatively mandated)
- Keeping stakeholders informed/outreach
- Simplicity/ease of registration and renewal processes
- Enforcement (particularly unauthorized practice) and continuing education audits

▶ Question 21: What constructive criticism do you have to help TBAE do better?

There were 262 free-text responses to this question. Generally, the answers fell into the following categories:

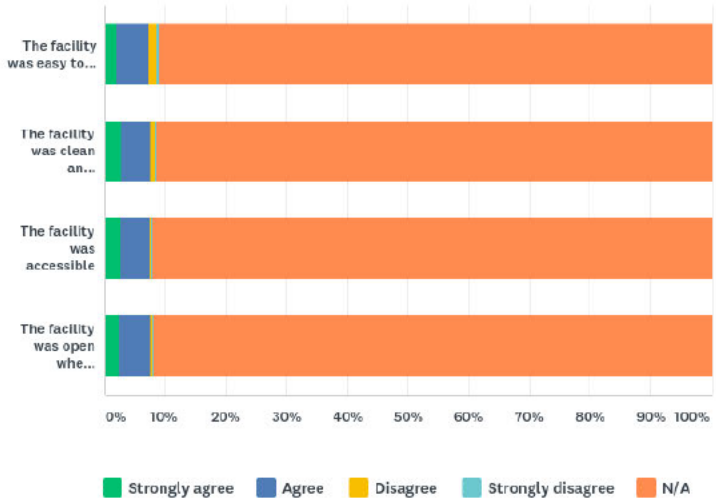
- More outreach in cities across Texas/more educational materials
- Web site suggestions/mobile app
- Simplification of continuing education rules
- Objections to Excepted Engineers list/publication of Disciplinary Actions/fingerprints/threshold regarding engaging the services of a registered architect
- Maintain list of pre-approved CE courses/reduce number of required CE hours
- Aggressively enforce unauthorized practice and misuse of title

▶ Question 22

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

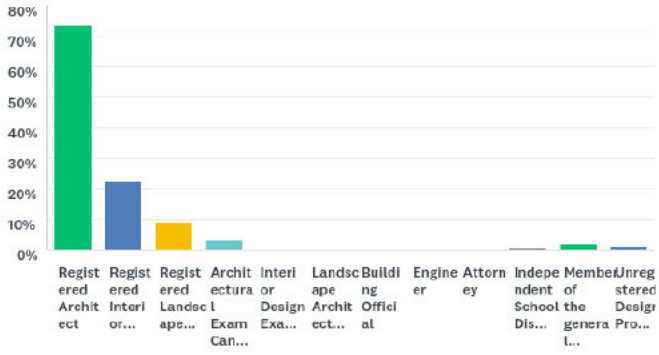
- The facility was easy to find
- The facility was clean and orderly
- The facility was accessible
- The facility was open when I needed access

Q22 If you have visited the TBAE office, please rate the facility. If not, answer N/A.




▶ Question 23

Q23 I am a/an: (check all that apply)






# Board of Architectural Examiners

## Executive Summary

## 2018

# Employee Engagement

**95%**

Up 6.1%

## Response Rate

The response rate to the survey is your first indication of the level of employee engagement in your organization. Of the 20 employees invited to take the survey, 19 responded for a response rate of 95%. As a general rule, rates higher than 50% suggest soundness, while rates lower than 30% may indicate problems. At 95%, your response rate is considered high. High rates mean that employees have an investment in the organization and are willing to contribute towards making improvements within the workplace. With this level of engagement, employees have high expectations from leadership to act upon the survey results.

## Overall Score

The overall score is a broad indicator for comparison purposes with other entities. Scores above 350 are desirable, and when scores dip below 300, there should be cause for concern. Scores above 400 are the product of a highly engaged workforce. **Your Overall Score from last time was 420.**




**Overall Score: 449**




## Levels of Employee Engagement

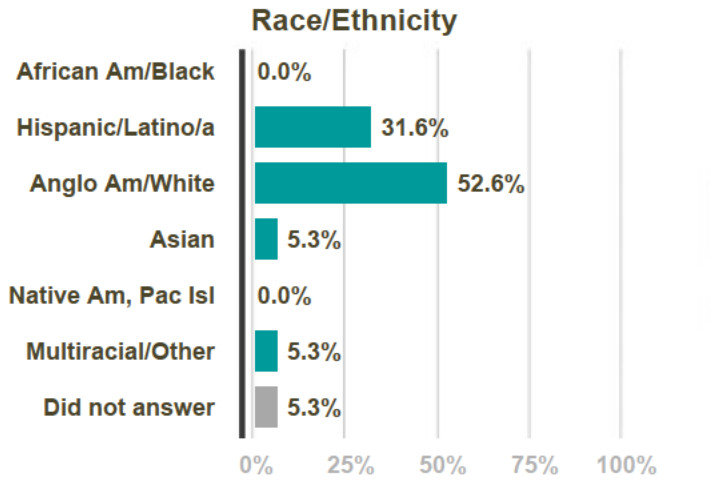
Twelve items crossing several survey constructs have been selected to assess the level of engagement among individual employees. For this organization, 63% of employees are Highly Engaged and 32% are Engaged. Moderately Engaged and Disengaged combine for 5%.

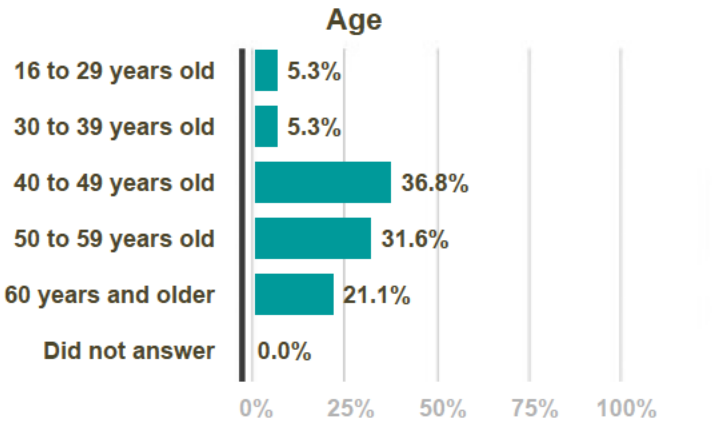
Highly Engaged employees are willing to go above and beyond in their employment. Engaged employees are more present in the workplace and show an effort to help out. Moderately Engaged employees are physically present, but put minimal effort towards accomplishing the job. Disengaged employees are disinterested in their jobs and may be actively working against their coworkers.

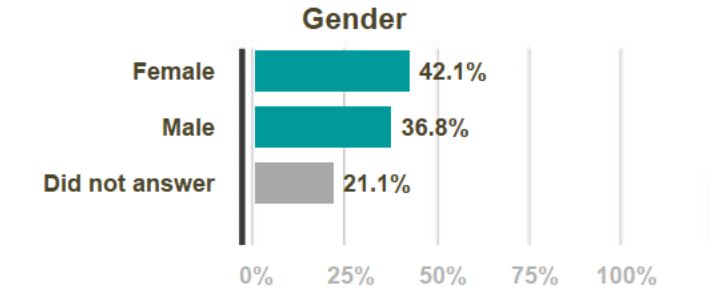
For comparison purposes, according to nationwide polling data, about 30% of employees are Highly Engaged or Engaged, 50% are Moderately Engaged, and 20% are Disengaged. While these numbers may seem intimidating, they offer a starting point for discussions on how to further engage employees. Focus on building trust, encouraging the expression of ideas, and providing employees with the resources, guidance, and training they need to do their best work.

# People

Examining demographic data is an important aspect of determining the level of consensus and shared viewpoints across the organization. A diverse workforce helps ensure that different ideas are understood, and that those served see the organization as representative of the community. Gender, race/ethnicity, and age are just a few ways to measure diversity. While percentages can vary among different organizations, extreme imbalances should be a cause for concern.




## YEARS OF SERVICE With this Organization



16% New Hires (0-2 years)
47% Experienced (3-10 years)
37% Very Experienced (11+ years)
0% Did Not Answer

*Each figure represents 1 employee.*

## FOCUS FORWARD »»

**32% CAN RETIRE**

This percentage of respondents indicated that they are eligible for retirement, or will be within the next two years.

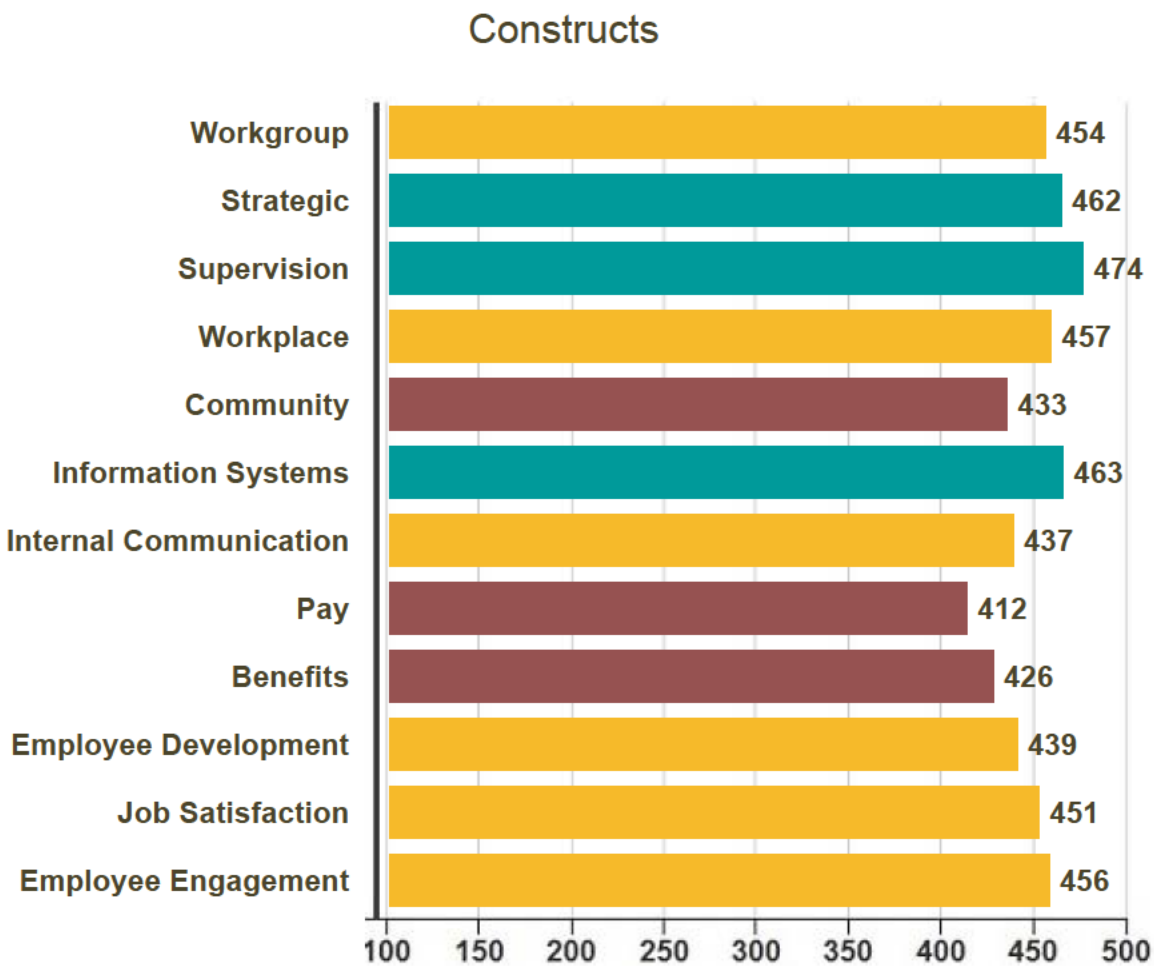
# Constructs

Similar items are grouped together and their scores are averaged and multiplied by 100 to produce 12 construct measures. These constructs capture the concepts most utilized by leadership and drive organizational performance and engagement.

Each construct is displayed below with its corresponding score. Constructs have been coded below to highlight the organization's areas of strength and concern. The three highest are green, the three lowest are red, and all others are yellow. Scores typically range from 300 to 400, and 350 is a tipping point between positive and negative perceptions. The lowest score for a construct is 100, while the highest is 500.

## FOCUS FORWARD »»

Every organization faces different challenges depending on working conditions, resources, and job characteristics. On the next page, we highlight the constructs that are relative strengths and concerns for your organization. While it is important to examine areas of concern, this is also an opportunity to recognize and celebrate areas that employees have judged to be strengths. All organizations start in a different place, and there is always room for improvement within each area.



# Areas of Strength and Concern

## Areas of Strength

**Supervision** **Score: 474**
The supervision construct captures employees' perceptions of the nature of supervisory relationships within the organization. Higher scores suggest that employees view their supervisors as fair, helpful and critical to the flow of work.

**Information Systems** **Score: 463**
The information systems construct captures employees' perceptions of whether computer and communication systems provide accessible, accurate, and clear information. The higher the score, the more likely it is that employees view the availability and utility of information very positively.

**Strategic** **Score: 462**
The strategic construct captures employees' perceptions of their role in the organization and the organization's mission, vision, and strategic plan. Higher scores suggest that employees understand their role in the organization and consider the organization's reputation to be positive.

## Areas of Concern

**Pay** **Score: 412**
The pay construct captures employees' perceptions about how well the compensation package offered by the organization holds up when compared to similar jobs in other organizations. Lower scores suggest that pay is a central concern or reason for discontent and is not comparable to similar organizations.

**Benefits** **Score: 426**
The benefits construct captures employees' perceptions about how the benefits package compares to packages at similar organizations and how flexible it is. Lower scores suggest that employees perceive benefits as less than needed or unfair in comparison to similar jobs in the community.

**Community** **Score: 433**
The community construct captures employees' perceptions of the relationships between employees in the workplace, including trust, respect, care, and diversity among colleagues. Lower scores suggest that employees feel a lack of trust and reciprocity from their colleagues.

# Climate

The climate in which employees work does, to a large extent, determine the efficiency and effectiveness of an organization. The appropriate climate is a combination of a safe, non-harassing environment with ethical abiding employees who treat each other with fairness and respect. Moreover, it is an organization with proactive management that communicates and has the capability to make thoughtful decisions. Below are the percentages of employees who marked disagree or strongly disagree for each of the 6 climate items.

**10.5%**

feel that **upper management** should communicate better.

Upper management should make efforts to be visible and accessible, as well as utilize intranet/internet sites, email, and social media as appropriate to keep employees informed.

**5.6%**

feel there aren't enough opportunities to give **supervisor feedback**.

Leadership skills should be evaluated and sharpened on a regular basis. Consider implementing 360 Degree Leadership Evaluations so supervisors can get feedback from their boss, peers, and direct reports.

**5.6%**

believe the **information from this survey** will go unused.

Conducting the survey creates momentum and interest in organizational improvement, so it's critical that leadership acts upon the data and keeps employees informed of changes as they occur.

**0.0%**

feel they are **not treated fairly** in the workplace.

Favoritism can negatively affect morale and cause resentment among employees. When possible, ensure responsibilities and opportunities are being shared evenly and appropriately.

**0.0%**

feel there are **issues with ethics** in the workplace.

An ethical climate is the foundation of building trust within an organization. Reinforce the importance of ethical behavior to employees, and ensure there are appropriate channels to handle ethical violations.

**0.0%**

feel **workplace harassment** is not adequately addressed.

While no amount of harassment is desirable within an organization, percentages **above 5%** would benefit from a serious look at workplace culture and the policies for dealing with harassment.



**Adoption of Proposed Amendments to Rules 1.5, 1.21, 1.22, 1.41, and 1.123**

**Relating to an Update in Terminology for NCARB's Experience Program**

## Background

In the last few years, NCARB has made substantial changes to the experience program that applicants are required to complete prior to obtaining architect registration, known in the Board's rules as the Intern Development Program or IDP. This includes the "streamline" initiative in which NCARB decreased the number of hours required to complete IDP from 5,600 to 3,740 and the "overhaul" in which 17 experience areas were consolidated into six broad practice phases that correspond with the six divisions of ARE 5.0. These changes have already been incorporated into the Board's rules. However, there is one additional rulemaking action required to update the Board's rules to implement the recent NCARB changes. That is the renaming of the experience program from "Intern Development Program" to "Architectural Experience Program" or "AXP." This change in terminology was adopted by NCARB following research and outreach by various NCARB committees, which resulted in a determination that NCARB would sunset its use of the term "intern."

## Proposed Amendments

At the February meeting, the Board proposed new amendments to 22 Tex. Admin. Code §§ 1.5, 1.21, 1.22, 1.41 and 1.123. The proposed rules would adopt the "Architectural Experience Program" terminology. Adoption of these amendments would allow the Board to maintain consistency with NCARB and decrease confusion for AXP participants and applicants for architectural registration. Additionally, the proposed rules would maintain a reference to IDP in the definition for "Architectural Experience Program," thereby maintaining eligibility of individuals who completed IDP prior to the change in terminology. Lastly, the proposed amendments include a housekeeping change in the definition for "NCARB," which corrects a reference to the number of member jurisdictions.

The proposed amendments were published in the April 6, 2018 edition of the Texas Register (43 TexReg 2109). No comments were received on the proposed amendments.

## Staff Recommendation

Staff recommends that the Board approve proposed 22 Tex. Admin. Code §§ 1.5, 1.21, 1.22, 1.41 for final adoption.

**RULE §1.5 Terms Defined Herein**

The following words, terms, and acronyms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) The Act--The Architects' Registration Law.

(2) Administrative Procedure Act (APA)--Texas Government Code §§2001.001 et seq.

(3) APA--Administrative Procedure Act.

(4) Applicant--An individual who has submitted an application for registration or reinstatement but has not yet completed the registration or reinstatement process.

(5) Architect--An individual who holds a valid Texas architectural registration certificate granted by the Board.

(6) Architect Registration Examination (ARE)--The standardized test that a Candidate must pass in order to obtain a valid Texas architectural registration certificate.

(7) Architect Registration Examination Financial Assistance Fund (AREFAF)--A program administered by the Board which provides monetary awards to Candidates and newly registered Architects who meet the program's criteria.

(8) Architects' Registration Law--Chapter 1051, Texas Occupations Code.

(9) Architectural Barriers Act--Texas Government Code, Chapter 469.

(10) Architectural Experience Program-- The comprehensive architectural experience program established, interpreted, and enforced by NCARB, or the predecessor Intern Development Program.

(110) Architectural Intern--An individual enrolled in the ~~Intern Development Program (IDP)~~Architectural Experience Program (AXP).

(121) ARE--Architect Registration Examination.

(132) AREFAF--Architect Registration Examination Financial Assistance Fund.

(14) AXP--The Architectural Experience Program

(153) Barrier-Free Design--The design of a building or a facility or the design of an alteration of a building or a facility which complies with the Texas Accessibility Standards, the Americans with Disabilities Act, the Fair Housing Accessibility Guidelines, or similarly accepted standards for accessible design.

(164) Board--Texas Board of Architectural Examiners.

(715) Cancel, Cancellation, or Cancelled--The termination of a Texas architectural registration certificate by operation of law two years after it expires without renewal by the certificate-holder.

(186) Candidate--An Applicant approved by the Board to take the ARE.

(19~~7~~) CEPH--Continuing Education Program Hour(s).

(20~~18~~) Chair--The member of the Board who serves as the Board's presiding officer.

(21~~19~~) Construction Documents--Drawings; specifications; and addenda, change orders, construction change directives, and other Supplemental Documents prepared for the purpose(s) of Regulatory Approval, permitting, or construction.

(2~~20~~) Consultant--An individual retained by an Architect who prepares or assists in the preparation of technical design documents issued by the Architect for use in connection with the Architect's Construction Documents.

(2~~31~~) Contested Case--A proceeding, including a licensing proceeding, in which the legal rights, duties, or privileges of a party are to be determined by a state agency after an opportunity for adjudicative hearing.

(2~~42~~) Continuing Education Program Hour (CEPH)--At least fifty (50) minutes of time spent in an activity meeting the Board's continuing education requirements.

(2~~53~~) Council Certification--Certification granted by NCARB to architects who have satisfied certain standards related to architectural education, training, and examination.

(2~~64~~) Delinquent--A registration status signifying that an Architect:

(A) has failed to remit the applicable renewal fee to the Board; and

(B) is no longer authorized to Practice Architecture in Texas or use any of the terms restricted by the Architects' Registration Law.

(2~~75~~) Emeritus Architect (or Architect Emeritus)--An honorary title that may be used by an Architect who has retired from the Practice of Architecture in Texas pursuant to Texas Occupations Code, §1051.357.

(2~~86~~) Energy-Efficient Design--The design of a project and the specification of materials to minimize the consumption of energy in the use of the project. The term includes energy efficiency strategies by design as well as the incorporation of alternative energy systems.

(2~~97~~) Feasibility Study--A report of a detailed investigation and analysis conducted to determine the advisability of a proposed architectural project from a technical architectural standpoint.

(30~~28~~) Good Standing--

(A) a registration status signifying that an Architect is not delinquent in the payment of any fees owed to the Board; or

(B) an application status signifying that an Applicant or Candidate is not delinquent in the payment of any fees owed to the Board, is not the subject of a pending TBAE enforcement proceeding, and has not been the subject of formal disciplinary action by an architectural registration board that would provide a ground for the denial of the application for architectural registration in Texas.

(31~~29~~) Governmental Entity--A Texas state agency or department; a district, authority, county, municipality, or other political subdivision of Texas; or a publicly owned Texas utility.

(32~~0~~) Governmental Jurisdiction--A governmental authority such as a state, territory, or country beyond the boundaries of Texas.

~~(31) IDP--The Intern Development Program as administered by NCARB.~~

(33~~2~~) Inactive--A registration status signifying that an Architect may not Practice Architecture in the State of Texas.

~~(33) Intern Development Program (IDP)--A comprehensive internship program established, interpreted, and enforced by NCARB.~~

(34) Institutional Residential Facility--A building intended for occupancy on a 24-hour basis by persons who are receiving custodial care from the proprietors or operators of the building. Hospitals, dormitories, nursing homes and other assisted living facilities, and correctional facilities are examples of buildings that may be Institutional Residential Facilities.

(35) Licensed--Registered.

(36) Member Board--An architectural registration board that is part of the nonprofit federation of architectural registration boards known as NCARB.

(37) NAAB--National Architectural Accrediting Board.

(38) National Architectural Accrediting Board (NAAB)--An agency that accredits architectural degree programs in the United States.

(39) National Council of Architectural Registration Boards (NCARB)--A nonprofit federation of architectural registration boards from fifty-~~five~~ four (545~~5~~) states and territories of the United States.

(40) NCARB--National Council of Architectural Registration Boards.

(41) Nonregistrant--An individual who is not an Architect.

(42) Practice Architecture--Perform or do or offer or attempt to do or perform any service, work, act, or thing within the scope of the Practice of Architecture.

(43) Practicing Architecture--Performing or doing or offering or attempting to do or perform any service, work, act, or thing within the scope of the Practice of Architecture.

(44) Practice of Architecture--A service or creative work applying the art and science of developing design concepts, planning for functional relationships and intended uses, and establishing the form, appearance, aesthetics, and construction details for the construction, enlargement, or alteration of a building or environs intended for human use or occupancy, the proper application of which requires education, training, and experience in those matters.

(A) The term includes:

(i) establishing and documenting the form, aesthetics, materials, and construction technology for a building, group of buildings, or environs intended to be constructed or altered;

(ii) preparing or supervising and controlling the preparation of the architectural plans and specifications that include all integrated building systems and construction details, unless otherwise permitted under Texas Occupations Code, §1051.606(a)(4); and

(iii) observing the construction, modification, or alteration of work to evaluate conformance with architectural plans and specifications described in clause (ii) of this subparagraph for any building, group of buildings, or environs requiring an architect.

(B) The term "practice of architecture" also includes the following activities which, pursuant to Texas Occupations Code §1051.701(a), may be performed by a person who is not registered as an Architect:

(i) programming for construction projects, including identification of economic, legal, and natural constraints and determination of the scope and spatial relationship of functional elements;

(ii) recommending and overseeing appropriate construction project delivery systems;

(iii) consulting, investigating, and analyzing the design, form, aesthetics, materials, and construction technology used for the construction, enlargement, or alteration of a building or environs and providing expert opinion and testimony as necessary;

(iv) research to expand the knowledge base of the profession of architecture, including publishing or presenting findings in professional forums; and

(v) teaching, administering, and developing pedagogical theory in academic settings offering architectural education.

(45) Principal--An architect who is responsible, either alone or with other architects, for an organization's Practice of Architecture.

(46) Prototypical--From or of an architectural design intentionally created not only to establish the architectural parameters of a building or facility to be constructed but also to serve as a functional model on which future variations of the basic architectural design would be based for use in additional locations.

(47) Public Entity--A state, a city, a county, a city and county, a district, a department or agency of state or local government which has official or quasi-official status, an agency established by state or local government though not a department thereof but subject to some governmental control, or any other political subdivision or public corporation.

(48) Registered--Licensed.

(49) Registrant--Architect.

(50) Regulatory Approval--The approval of Construction Documents by the applicable Governmental Entity after a review of the architectural content of the Construction Documents as a prerequisite to construction or occupation of a building or a facility.

(51) Reinstatement--The procedure through which a Surrendered or revoked Texas architectural registration certificate is restored.

(52) Renewal--The procedure through which an Architect pays a periodic fee so that the Architect's registration certificate will continue to be effective.

(53) Responsible Charge--That degree of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the applicable architectural standard of care.

(54) Revocation or Revoked--The termination of an architectural registration certificate by the Board.

(55) Rules and Regulations of the Board--22 Texas Administrative Code §§1.1 et seq.

(56) Rules of Procedure of SOAH--1 Texas Administrative Code §§155.1 et seq.

(57) Secretary-Treasurer--The member of the Board responsible for signing the official copy of the minutes of each Board meeting and maintaining the record of Board members' attendance at Board meetings.

(58) Signature--A personal signature of the individual whose name is signed or an authorized copy of such signature.

(59) SOAH--State Office of Administrative Hearings.

(60) Sole Practitioner--An Architect who is the only design professional to offer or render architectural services on behalf of a business entity.

(61) State Office of Administrative Hearings (SOAH)--A Governmental Entity created to serve as an independent forum for the conduct of adjudicative hearings involving the executive branch of Texas government.

(62) Supervision and Control--The amount of oversight by an architect overseeing the work of another whereby:

(A) the architect and the individual performing the work can document frequent and detailed communication with one another and the architect has both control over and detailed professional knowledge of the work; or

(B) the architect is in Responsible Charge of the work and the individual performing the work is employed by the architect or by the architect's employer.

(63) Supplemental Document--A document that modifies or adds to the technical architectural content of an existing Construction Document.

(64) Surrender--The act of relinquishing a Texas architectural registration certificate along with all privileges associated with the certificate.

(65) Sustainable Design--An integrative approach to the process of design which seeks to avoid depletion of energy, water, and raw material resources; prevent environmental degradation caused by facility and infrastructure developments during their implementation and over their life cycle; and create environments that are livable and promote health, safety and well-being. Sustainability is the concept of meeting present needs without compromising the ability of future generations to meet their own needs.

(66) TBAE--Texas Board of Architectural Examiners.

(67) TDLR--Texas Department of Licensing and Regulation.

(68) Texas Department of Licensing and Regulation (TDLR)--A Texas state agency responsible for the implementation and enforcement of the Texas Architectural Barriers Act.

(69) Texas Guaranteed Student Loan Corporation (TGSLC)--A public, nonprofit corporation that administers the Federal Family Education Loan Program.

(70) TGSLC--Texas Guaranteed Student Loan Corporation.

(71) Vice-Chair--The member of the Board who serves as the assistant presiding officer and, in the absence of the Chair, serves as the Board's presiding officer. If necessary, the Vice-Chair succeeds the Chair until a new Chair is appointed.

**RULE §1.21 Registration by Examination**

(a) In order to obtain architectural registration by examination in Texas, an Applicant:

(1) shall have a professional degree from:

(A) an architectural education program accredited by the National Architectural Accreditation Board (NAAB),

(B) an architectural education program that became accredited by NAAB not later than two years after the Applicant's graduation,

(C) an architectural education program that was granted candidacy status by NAAB and became accredited by NAAB not later than three years after the Applicant's graduation, or

(D) an architectural education program outside the United States where an evaluation by NAAB or another organization acceptable to the Board has concluded that the program is substantially equivalent to an NAAB accredited professional program;

(2) shall successfully demonstrate completion of the Architectural Experience Program (AXP) ~~Intern Development Program~~; and

(3) shall successfully complete the architectural registration examination as more fully described in Subchapter C.

(b) An Applicant who applies for architectural registration by examination on or before August 31, 2011 is not required to complete the Architectural Experience Program (AXP) ~~Intern Development Program~~ if the Applicant successfully demonstrates that prior to January 1, 1984, he/she acquired at least eight (8) years of acceptable architectural experience or eight (8) years of a combination of acceptable education and experience. This subsection is repealed effective September 1, 2011.

(c) An Applicant who applies for architectural registration by examination on or before August 31, 2011 and who commenced his/her architectural education or experience prior to September 1, 1999, shall be

subject to the rules and regulations relating to educational and experiential requirements as they existed on August 31, 1999. This subsection is repealed effective September 1, 2011.

(d) For purposes of this section, an Applicant shall be considered to have "commenced" his/her architectural education upon enrollment in an acceptable architectural education program. This subsection is repealed effective September 1, 2011.

(e) In accordance with federal law, the Board must verify proof of legal status in the United States. Each Applicant shall provide evidence of legal status by submitting a certified copy of a United States birth certificate or other documentation that satisfies the requirements of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. A list of acceptable documents may be obtained by contacting the Board's office.

**RULE §1.22 Registration by Reciprocal Transfer**

(a) A person may apply for architectural registration by reciprocal transfer if the person holds an architectural registration that is active and in good standing in another jurisdiction and the other jurisdiction:

(1) has licensing or registration requirements substantially equivalent to Texas registration requirements; or

(2) has entered into a reciprocity agreement with the Board that has been approved by the Governor of Texas.

(b) In order to obtain architectural registration by reciprocal transfer, an Applicant must demonstrate the following:

(1) the Applicant has:

(A) successfully completed the Architect Registration Examination (ARE) or another architectural registration examination which the National Council of Architectural Registration Boards (NCARB) has approved as conforming to NCARB's examination standards; and

(B) successfully completed the requirements of the Architectural Experience Program (AXP) ~~Intern Development Program (IDP)~~ or acquired at least three years of acceptable architectural experience following registration in another jurisdiction; or

(2) the Applicant has been given Council Certification by NCARB and such Council Certification is not currently in an expired or revoked status.

(c) An Applicant for architectural registration by reciprocal transfer must remit the required registration fee to the Board within 60 days after the date of the tentative approval letter sent to the Applicant by the Board.

**RULE §1.41 Requirements**

(a) Every Applicant for architectural registration by examination in Texas must successfully complete all sections of the Architect Registration Examination (ARE).

(b) The Board may approve an Applicant to take the ARE only after the Applicant has completed the educational requirements for architectural registration by examination in Texas, has completed at least six (6) months of full-time experience working under the direct supervision of a licensed architect, has enrolled in the Architectural Experience Program (AXP) ~~Intern Development Program~~ by establishing a council record with NCARB, and has submitted the required application materials.

(c) An Applicant may take the ARE at any official ARE testing center but must satisfy all Texas registration requirements in order to obtain architectural registration by examination in Texas.

(d) Each Candidate must achieve a passing score in each division of the ARE. Scores from individual divisions may not be averaged to achieve a passing score.

(e) An examination fee may be refunded as follows:

(1) The application fee paid to the Board is not refundable or transferable.

(2) The Board, on behalf of a Candidate, may request a refund of a portion of the examination fee paid to the national examination provider for scheduling all or a portion of the registration examination. A charge for refund processing may be withheld by the national examination provider. Refunds of examination fees are subject to the following conditions:

(A) A Candidate, because of extreme hardship, must have been precluded from scheduling or taking the examination or a portion of the examination. For purposes of this subsection, extreme hardship is defined as a serious illness or accident of the Candidate or a member of the Candidate's immediate family or the death of an immediate family member. Immediate family members include the spouse, child(ren), parent(s), and sibling(s) of the Candidate. Any other extreme hardship may be considered on a case-by-case basis.

(B) A written request for a refund based on extreme hardship must be submitted not later than thirty (30) days after the date the examination or portion of the examination was scheduled or intended to be scheduled. Documentation of the extreme hardship that precluded the applicant from scheduling or taking the examination must be submitted by the Candidate as follows:

(i) Illness: verification from a physician who treated the illness.

(ii) Accident: a copy of an official accident report.

(iii) Death: a copy of a death certificate or newspaper obituary.

(C) Approval of the request and refund of the fee or portion of the fee by the national examination provider.

(3) An examination fee may not be transferred to a subsequent examination.

**RULE §1.123 Titles**

(a) Architects duly registered in Texas are authorized to use any form of the word "architect" or the word "architecture" to describe themselves and to describe services they offer and perform in Texas.

(b) A firm, partnership, corporation, or other business association may use any form of the word "architect" or the word "architecture" in its name or to describe services it offers or performs in Texas only under the following conditions:

(1) The business employs at least one Architect on a full-time basis or associates with at least one Architect pursuant to the provisions of section 1.122; and

(2) The Architect(s) employed by or associated with the business pursuant to subsection (b)(1) of this section exercise Supervision and Control over all architectural services performed by nonregistrants on behalf of the business, or in the case of services rendered pursuant to section 1.122(e), exercise, at a minimum, Responsible Charge over all such services.

(c) No entity other than those qualified in subsections (a) and (b) of this section may use any form of the word "architect" or "architecture" in its name or to describe services it offers or performs in Texas.

(d) A person enrolled in the Architectural Experience Program (AXP)~~Intern Development Program (IDP)~~ may use the title "architectural intern."

PRESS

# NCARB Launches Architectural Experience Program

*6/29/16*
Architectural Experience Program (AXP)




**NCARB's experience program has been updated to reflect current architectural practice and terminology.**

Washington, DC—The program designed to guide professionals through the early stages of their career has been renamed the Architectural Experience Program™ (AXP™) and updated to reflect modern practice. Effective June 29, 2016, the program now requires licensure candidates to document 3,740 hours of experience in six simplified areas that cover all phases of architectural practice, rather than 17 experience areas.

Developed by the National Council of Architectural Registration Boards (NCARB), the program—which was previously called the Intern Development Program (IDP)—is required for licensure in most U.S. jurisdictions.

This update is one of several NCARB has made to its experience program over the past few years, namely: streamlining the number of required hours from 5,600 to 3,740; the ability to report experience beyond six months and up to five years; accepting AXP credit for paid academic internships; and enabling licensure candidates to earn AXP credit after high school and regardless of a project's duration.

The six new experience areas include: Practice Management, Project Management, Programming & Analysis, Project Planning & Design, Project Development & Documentation, and Construction & Evaluation. These areas also mirror the six divisions of the new licensing exam, Architect Registration Examination® (ARE®) 5.0, which launches November 1, 2016, providing further alignment between the two programs.

"The NCARB Board of Directors, in consultation with our Member Boards, has updated the AXP to more closely align with current practice and terminology," said NCARB President Kristine Harding, NCARB, AIA. "We have carefully broadened the program's scope without reducing its rigor, which will help ensure licensure candidates acquire the skills and knowledge needed to practice in today's evolving landscape."

Over the past year, NCARB has released a number of resources to help licensure candidates and their supervisors prepare for this update, such as:

- The *AXP Guidelines*: A comprehensive guide to navigating the program, reporting experience, and more.
- The Experience Calculator: An online tool that shows how professional experience will transfer to the new program.
- A blog series that breaks down the tasks associated with each area, plus real-world examples of opportunities that qualify for the AXP.

June 29 also marks the launch of NCARB's AXP Portfolio, a new option for design professionals who can document two years of experience that is older than five years. To qualify for licensure through this alternative option, candidates will also need to meet their licensing board's education and examination requirements.

For more information on NCARB's experience program, visit www.ncarb.org/experience.

#####

### About NCARB

The National Council of Architectural Registration Boards' membership is made up of the architectural registration boards of all 50 states as well as those of the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. NCARB assists its member registration boards in carrying out their duties and provides a certification program for individual architects.

NCARB protects the public health, safety, and welfare by leading the regulation of the practice of architecture through the development and application of standards for licensure and credentialing of architects. In order to achieve these goals, the Council develops and recommends standards to be required of an applicant for architectural registration; develops and recommends standards regulating the practice of architecture; provides to Member Boards a process for certifying the qualifications of an architect for registration; and represents the interests of Member Boards before public and private agencies. NCARB has established reciprocal registration for architects in the United States and Canada.

Visit: www.ncarb.org
Twitter: www.twitter.com/ncarb
Facebook: www.facebook.com/NCARB
YouTube: www.youtube.com/NCARBorg

© 2018 NCARB - National Council of Architectural Registration Boards

SOAH DOCKET NO. 459-18-2234
TBAE CASE NO. 409-17L

| | | |
|---|---|---|
| IN THE MATTER OF | § | BEFORE THE TEXAS |
| LANDSCAPE ARCHITECT | § | |
| REGISTRATION NO. 987 | § | BOARD OF |
| ISSUED TO | § | |
| JERRY LYNN REESBY | § | ARCHITECTURAL EXAMINERS |

**ORDER OF THE BOARD**

TO: JERRY LYNN REESBY
4L.1.115B/HOBBY UNIT
742 FM 712
MARLIN, TX 76661-4685

JERRY LYNN REESBY
[redacted]

HONORABLE FERNANDO RODRIGUEZ
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TX 78701

At the regularly scheduled public meeting on May 22, 2018, the Texas Board of Architectural Examiners (Board) heard the above-styled case, based on the Respondent's failure to appear at a previously scheduled hearing at the State Office of Administrative Hearings (SOAH).

The Board finds that notice of the facts or conduct alleged to warrant disciplinary action in this matter was provided to the Respondent in the form of formal charges, attached and incorporated herein. The Board finds that after proper and timely notice was given, a hearing was held in this matter before SOAH Administrative Law Judge (ALJ) Fernando Rodriguez on March 7, 2018. The Respondent failed to appear at the hearing, and the ALJ entered a Conditional Order

of Default Dismissal and Remand (Order), which is attached and incorporated by reference as a part of this Order. The Board adopts the Order and all findings therein. The Order was properly served on all parties and Respondent was given an opportunity to file a motion to set aside the default not later than 20 days from the date of the Order signed on March 7, 2018. No motion to set aside the default was filed by Respondent. The Board finds that it is authorized to enter a default order pursuant to Texas Government Code §2001.056.

The Board, after review and due consideration of the Order and Respondent's presentation during the open meeting, if any, adopts the proposed findings of fact and conclusions of law as stated in Staff's Notice of Hearing and Formal Charges, which are attached hereto and incorporated by reference for all purposes. The Board also adopts Staff's recommended sanction and revokes Respondent's landscape architectural registration.

NOW, THEREFORE, IT IS ORDERED that Landscape Architect Registration #987 issued to Jerry Lynn Reesby is hereby revoked.

Entered this the 22nd day of May, 2018.

DEBRA J. DOCKERY, FAIA
CHAIR
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

ATTACHMENT: ORDER NO. 2 – CONDITIONAL ORDER OF DEFAULT DISMISSAL AND REMAND; DOCKET NO. 459-16-0272; STAFF'S NOTICE OF HEARING AND FORMAL CHARGES

**SOAH DOCKET NO. 459-18-2234**

| | | |
|---|---|---|
| **TEXAS BOARD OF ARCHITECTURAL EXAMINERS,** **Petitioner** | § | **BEFORE THE STATE OFFICE** |
| **v.** | § | **OF** |
| **JERRY LYNN REESBY,** **Respondent** | § | **ADMINISTRATIVE HEARINGS** |

**ORDER NO. 2**
**CONDITIONAL ORDER OF**
**DEFAULT DISMISSAL AND REMAND**

This matter was set for hearing on March 7, 2018, before Administrative Law Judge (ALJ) Fernando Rodriguez. General Counsel Lance Brenton appeared on behalf of the staff (Staff) of the Texas Board of Architectural Examiners (Board). Respondent Jerry Lynn Reesby did not appear and was not represented at the hearing. Upon receiving Staff's Exhibits 1, 2, and 4 showing proof of adequate notice to Ms. Reesby, the ALJ granted Staff's oral motion for default.[1]

Due to Ms. Reesby's failure to appear, this matter may be dismissed from the docket of the State Office of Administrative Hearings and returned to the Board for informal disposition on a default basis in accordance with Texas Government Code § 2001.056. **IT IS, THEREFORE, ORDERED** that this case is **CONDITIONALLY DISMISSED AND REMANDED** pursuant to 1 Texas Administrative Code § 155.501(d). **This order of dismissal will become final, without further action by the ALJ, unless Ms. Reesby files a motion to set aside the default not later than 20 days from the date of this order.** Such a motion must show good cause for reopening the hearing, or show that the interests of justice require setting aside the default dismissal.

**SIGNED March 7, 2018.**

Fernando Rodriguez

FERNANDO RODRIGUEZ
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

[1] 1 Tex. Admin. Code § 155.501(d). The ALJ only reviewed the adequacy of the notice and not the sufficiency of Staff's factual allegations.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
**********

In the Matter of

Texas Landscape
Architectural Registration No. 987
Issued to JERRY LYNN REESBY

# STAFF'S NOTICE OF HEARING

SOAH Docket No. 459-18-2234

Respondent: JERRY LYNN REESBY
TDCJ/BPP#2115604
4L.1.115B/Hobby Unit
742 FM 712
Marlin, TX 76661-4685

And

JERRY LYNN REESBY
[redacted]

In accordance with Section 2001.051 et seq., Texas Government Code, you are hereby notified that a hearing will be held before an Administrative Law Judge (ALJ) on March 7, 2018 at 9:00 o'clock a.m., at the State Office of Administrative Hearings, William P. Clements Building, 300 West 15th Street, 4th Floor, Austin, TX 78701, regarding the Formal Charges filed by the Texas Board of Architectural Examiners and attached and incorporated by reference as a part of this notice.

The hearing is to be held under the legal authority and jurisdiction of the Administrative Procedures Act, Texas Government Code §2001 et seq; Title I Part VII Texas Administrative Code Chapter 155; Texas Occupations Code §1051.401; and Board Rules 3.231 and 3.232 at 22 Texas Administrative Code.

The particular sections of statutes and rules involved in determining the charges are stated in the attached Formal Charge in connection to the facts or conduct alleged.

You are requested to enter an appearance in this proceeding by filing a written answer or other responsive pleading with the State Office of Administrative Hearings, P.O. Box 13025, Austin, Texas, 78711-3025, with a copy to the Staff (General Counsel), Texas Board of Architectural Examiners, 333 Guadalupe, Suite 2-350, Austin, Texas 78701-3942). Continuances are set by the Administrative Law Judge.

You have the right to appear at this hearing and to have legal representation at the hearing at your own expense. **FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.**

**PARTIES THAT ARE NOT REPRESENTED BY AN ATTORNEY MAY OBTAIN INFORMATION REGARDING CONTESTED CASE HEARINGS ON THE PUBLIC WEBSITE OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AT www.soah.texas.gov, OR IN PRINTED FORMAT UPON REQUEST TO SOAH.**

If it is determined that the Formal Charges are substantiated, then any prior disciplinary action that has been taken against your license will be considered when determining the appropriate sanction for these violation(s).

Issued, dated, and mailed this, the 12th day of February, 2018.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

By: _____

LANCE BRENTON, General Counsel
TEXAS BOARD OF ARCHITECTURAL EXAMINERS
State Bar No. 24066924
Email: lance.brenton@tbae.state.tx.us
333 Guadalupe St., Tower II, Ste. 350
Austin, TX 78701
(512) 305-8519 (telephone)
(512) 305-8900 (fax)

| | | |
|---|---|---|
| In the Matter of | § | BEFORE THE TEXAS |
| Texas Landscape Architectural | § | |
| Registration Number 987 | § | BOARD OF ARCHITECTURAL |
| Issued to JERRY L. REESBY, | § | |
| Respondent | § | EXAMINERS |

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 1052, Texas Occupations Code. Respondent, JERRY LYNN REESBY, is a registered Texas Landscape Architect holding Landscape Architectural Registration number 987, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about March 5, 2015, in Cause No. CR31171 in the 253rd Judicial District Court of Liberty County, Texas, Respondent received deferred adjudication for the offense of Driving While Intoxicated 3rd Or More, committed on May 24, 2014. As a result of this action, Respondent was placed on community supervision for four years. Subsequently, Respondent violated her terms of community supervision, and the State filed a motion to revoke Respondent's community supervision. As a result, on February 7, 2017, Respondent's community supervision was revoked, and Respondent was sentenced to 10 years confinement in the Texas Department of Criminal Justice (TDCJ) Institutional Division. Respondent was received by TDCJ on March 1, 2017, and subsequently imprisoned in the TDCJ Hobby unit.

The above action mandates the revocation of Respondent's landscape architect registration in accordance with Tex. Occ. Code §53.021(b) and 22 Tex. Admin. Code 3.149(f).

NOTICE IS GIVEN that staff will present evidence in support of the required revocation of Respondent's license to practice landscape architecture in the State of Texas pursuant to the Landscape Architects' Practice Act, Chapter 1052, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code Chapter 3.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website: http://www.tbae.state.tx.us/LawsAndEnforcement/StatutesAndRules.

Filed this the 12th day of February, 2018.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

LANCE BRENTON, General Counsel
State Bar No. 24066924
Email: lance.brenton@tbae.state.tx.us
333 Guadalupe St., Tower II, Ste. 350
Austin, TX 78701
(512) 305-8519 (telephone)
(512) 305-8900 (fax)

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS**
**SUMMARY OF PROPOSED**
**ENFORCEMENT ACTION**

**This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.**

| | |
|---|---|
| **Case Number:** | **227-17N** |
| **Respondent:** | **Gustavo Arredondo** |
| **Location of Respondent:** | **San Antonio, Texas** |
| **Date of Complaint Received:** | **April 12, 2017** |
| **Instrument:** | **Report and Notice of Violation** |

**Findings:**

- Gustavo Arredondo (hereafter "Respondent") is the owner of the business *A Design By Gustavo Arredondo* in San Antonio, Texas.
- Neither Respondent nor the business is registered to engage in the practice of architecture or landscape architecture.
- On or about March 10, 2005, Respondent received a warning notice for improperly utilizing the title "architect," despite not being registered with the Board.
  On or about March 28, 2017, April 12, 2017, and June 1, 2017, Respondent utilized a website for his firm which indicated that the firm provided services including, "excellent and intelligent architecture, interior design, and landscape architecture." The website included a link to a Facebook profile for the firm, which referred to the firm as an "Architectural Designer in San Antonio, Texas." The firm website also included a link to the firm's Houzz profile, which identified A Design by Gustavo Arredondo as an "Award Winning San Antonio Architecture Firm," and included multiple testimonials identifying Mr. Arredondo as an architect. Upon notice from the Board's enforcement staff, Respondent promptly took steps to remove references to terminology involving "architecture."

**Applicable Statutory Provisions and Rules:**

- A person who is not registered by the Board as an architect or landscape architect may not offer, engage in, or attempt to engage in, the practice of architecture or landscape architecture, respectively. Tex. Occ. Code §§1051.701, 1051.801 and 1052.151(b).
- Only architects, duly registered by the Board, may use any form of the words "architect" or "architecture" to describe themselves or to describe the services they offer or perform in Texas. 22 Tex. Admin. Code §1.123(a).
- Only landscape architects, duly registered by the Board, may use any form of the words "landscape architect" or "landscape architecture" to describe themselves or to describe the services they offer or perform in Texas. 22 Tex. Admin. Code §3.123(a).
- By identifying himself as an "Architectural Designer" and describing his professional services as "architecture" and "landscape architecture" on his firm's website, and Facebook and Houzz profiles, Respondent violated Govt. Code §§1051.701, 1051.801 and 1052.151(b); and Tex. Admin. Code §§1.123 and 3.123.

**Action Recommended by Executive Director:**

- Enter an Order which prohibits Respondent from using any architectural title, landscape architectural title, practicing architecture or landscape architecture, other than subject to an exemption from the Architects' Practice Act or Landscape Architects' Practice Act; prohibits Respondent from associating with any business

which offer or renders architectural services or landscape architectural services, or which offers architecture or landscape architecture or holds itself out to the public as an architectural firm or landscape architectural firm, unless all architecture or landscape architecture on behalf of the firm is rendered by a registered architect or landscape architect; and adopts the findings of fact, conclusions of law, and recommended administrative penalty of **$5,000** as set forth in the Revised Report and Notice of Violation dated April 5, 2018.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS**
**SUMMARY OF PROPOSED**
**ENFORCEMENT ACTION**

**This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.**

| | |
|---|---|
| **Case Number:** | **157-14N** |
| **Respondent:** | **John A Hamilton** |
| **Location of Respondent:** | **Dallas, Texas** |
| **Date of Complaint Received:** | **August 15, 2014** |
| **Instrument:** | **Report and Notice of Violation And Amended Agreed Order** |

**Action Recommended by Executive Director:**

- The Respondent has never been registered as an architect in Texas.
- From August 2010 through April 2015, Respondent engaged in the unauthorized use of an architectural seal, and the unregistered practice of architecture, in that he issued architectural plans and specifications on eight projects which were sealed with unauthorized or fraudulent architectural seal. Complete Findings of Fact and Conclusions of Law are contained in the attached Agreed Order.
- As a result of Staff's notification and cooperation with the Tarrant Count District Attorney's Office, the Respondent was prosecuted for his actions relating to one of the above projects. On January 5, 2018 Respondent received deferred adjudication for the 2nd degree felony offense of TAMPER W/GOVERN RECORD LIC/SEAL DEFRAUD/HARM and was placed on community supervision for a period of eight years and ordered to pay restitution in the amount of $5,000.
- Adoption of the attached Agreed Order would impose an administrative penalty in the amount of $64,000 upon the Respondent. Three payments of $5,000 each would be due within 50 days, one year, and two years of the entry of the Order, respectively. Payment of the remaining amount of the administrative penalty would be deferred for a period of 10 years (deferral period). During the deferral period, the Respondent would be required to comply with all laws and rules of the Board, and would be prohibited from practicing architecture except subject to an exception in the Architects' Practice Act; utilizing the title "architect;" or associating with a firm that offers or practices architecture in the State of Texas unless such practice is offered or rendered through a registered architect and complies in all respects the Board's laws. Additionally, for all written contracts for design services provided by Respondent, Respondent would be required to ensure that the following statement is included within the contract: "John Hamilton is not registered as an architect in the State of Texas." If Respondent does not violate the terms of the Order or the laws and rules enforced by the Board during the deferral period, the remaining amount of the administrative penalty would be cancelled ten (10) years after the effective date of the Order. However, if the Respondent fails to comply with any of the terms and conditions of the Order or otherwise violates the laws or rules of the Board, the entire remaining amount of the administrative penalty would become payable and due immediately.
- The Executive Director recommends that the Board adopts the attached Amended Agreed Order.

TBAE CASE NO. 157-14N

| | | |
|---|---|---|
| IN THE MATTER OF | § | BEFORE THE TEXAS BOARD |
| | § | |
| JOHN A. HAMILTON | § | OF |
| | § | |
| RESPONDENT | § | ARCHITECTURAL EXAMINERS |

**AMENDED AGREED ORDER**

On this day, the Texas Board of Architectural Examiners (hereafter "the Board") considered the matter of JOHN A. HAMILTON, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Texas Occupations Code §§ 1051.701, 1051.702 and 1051.752. Respondent waived notice and hearing and agreed to the entry of this Order approved by Julie Hildebrand, Executive Director, on March 28, 2018. Upon recommendation of its Executive Director, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order.

FINDINGS OF FACT

1. Prior to the institution of agency proceedings, notice of the matters specified below in the Findings of Fact was served on Respondent, and Respondent was given an opportunity to show compliance with all requirements of law.
2. Respondent waived noticed and hearing, and agreed to the entry of this Order.
3. Respondent is not and never has been registered as an architect in the State of Texas.
4. On or about August 25, August 31, and September 14, 2010, Respondent engaged in the unauthorized use of an architect's seal, or a copy or replica of an architect's seal, in that Respondent issued architectural plans and specifications for the project identified as *Terillis Restaurant* located in Dallas, Texas, bearing the architectural seal of John Anderson (TBAE Architect Registration #10135), despite the fact that Mr. Anderson did

not consent to the use of his architectural seal on the project, was unaware of the existence of the project, and in no way participated in the production of the construction documents for the project.

5. On or about August 25, August 31, and September 14, 2010, Respondent engaged in the unregistered practice of architecture, and improperly used the term "architecture" to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as *Terillis Restaurant* located in Dallas, Texas, while utilizing the business title "Hamilton Wolf Andrews, Architecture / Design / Consulting."

6. On or about December 15, 2011; July 13, August 20, October 25, November 10, and November 28, 2012; and March 21, 2013, Respondent engaged in the unauthorized use of an architect's seal, or a copy or replica of an architect's seal, in that Respondent issued architectural plans and specifications for the project identified as *Bronson Rock – Burgers & Brew* in Old Keller, Texas bearing an architectural seal containing Respondent's name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

7. On or about December 15, 2011; July 13, August 20, October 25, November 10, and November 28, 2012; and March 21, 2013, Respondent engaged in the unregistered practice of architecture, and improperly used the terms "architect" and "architecture" to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as *Bronson Rock – Burgers & Brew* in Old Keller, Texas, while utilizing the business title "Hamilton Wolf

Andrews, Architecture / Design / Consulting." Furthermore, Respondent presented himself as an architect to city of Keller employees.

8. On or about March 1, 2013, Respondent engaged in the unauthorized use of an architect's seal, or a copy or replica of an architect's seal, in that Respondent issued architectural plans and specifications for the project identified as *Snuffer's Greenville* in Dallas, Texas bearing an architectural seal containing Respondent's name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

9. On or about March 1, 2013, Respondent engaged in the unregistered practice of architecture, and improperly used the term "architecture" to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as *Snuffer's Greenville* in Dallas, Texas, while utilizing the business title "Hamilton Wolf Andrews, Architecture / Design / Consulting."

10. On or about July 13, 2013, and August 1 and October 10, 2014, Respondent engaged in the unauthorized use of an architect's seal, or a copy or replica of an architect's seal, in that Respondent issued architectural plans and specifications for the project identified as *Haskell E-Bar Restaurant Expansion* in Dallas, Texas bearing an architectural seal containing Respondent's name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

11. On or about July 13, 2013 and August 1 and October 10, 2014, and June 10, 2015, Respondent engaged in the unregistered practice of architecture, and improperly used the terms "architect" and "architecture" to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and

specifications, for the project identified as *Haskell E-Bar Restaurant Expansion* in Dallas, Texas, while utilizing the business title "Hamilton Wolf Andrews, Architecture / Design / Consulting." Furthermore, Respondent presented himself as an architect to the project owners.

12. On or about February 5 and February 18, 2014, Respondent engaged in the unauthorized use of an architect's seal, or a copy or replica of an architect's seal, in that Respondent issued architectural plans and specifications for the project identified as *Personal Touch Tree Service* in Dallas, Texas bearing an architectural seal containing Respondent's name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

13. On or about February 5 and February 18, 2014, Respondent engaged in the unregistered practice of architecture, and improperly used the terms "architect" and "architecture" to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as *Personal Touch Tree Service* in Dallas, Texas, while utilizing the business title "Hamilton Wolf Andrews, Architecture / Design / Consulting." Furthermore, the Respondent presented himself as an architect to the project owner.

14. On or about June 3 and July 7, 2014, Respondent engaged in the unauthorized use of an architect's seal, or a copy or replica of an architect's seal, in that Respondent issued architectural plans and specifications for the project identified as *Pho Kitchen* in Dallas,